

ARIZONA

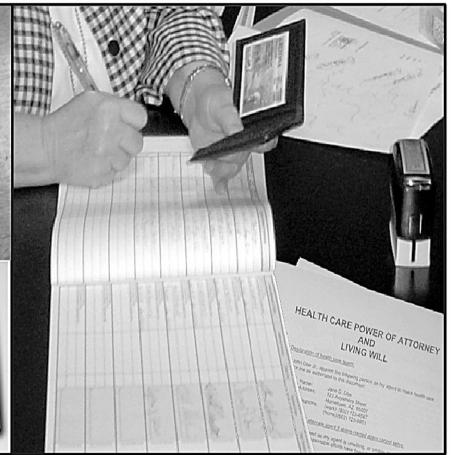
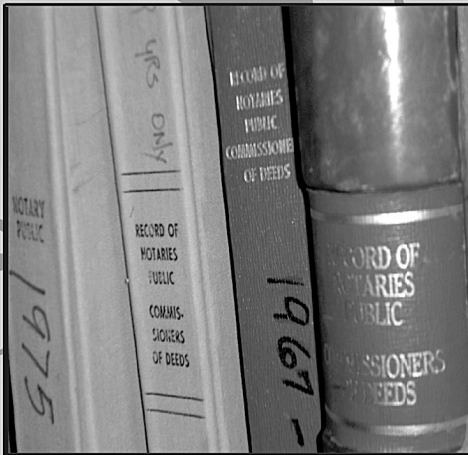


DEPARTMENT OF STATE
Office of Secretary of State
A BUSINESS SERVICES DIVISION PUBLICATION

NOTARY PUBLIC

Reference Manual

REVISED JULY 2011



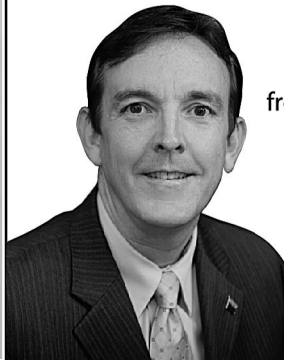
About this publication:

This manual describes the duties, authority and ethical responsibilities of Arizona notaries public.

The office is the author of this manual under A.R.S. § 41-312(E)(5).

May I recommend that you take one of our free workshops as they are informative and help to clarify the many duties of a notary public.

Visit our Web site at www.azsos.gov, under the Business Services - Notary link for more information.



Ken Bennett - Secretary of State



The Arizona notary law was amended in 1996, 1997, 1999, 2000, 2004, 2007, 2008, 2009, 2010 and 2011.

ARIZONA NOTARY PUBLIC REFERENCE MANUAL

July 2011 edition

*Previously published as
the Arizona Notary Public
Handbook*

A PUBLICATION OF THE ARIZONA SECRETARY OF STATE'S OFFICE

BUSINESS SERVICES DIVISION

Mailing address for all
correspondence or filings:

The Honorable Ken Bennett
Secretary of State
1700 W. Washington Street,
7th Floor
Phoenix, AZ 85007-2888
Attention: Notary Section
Telephone: (602) 542-4758
Fax: (602) 542-4366
Web site: www.azsos.gov
e-mail: notary@azsos.gov

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**The office strives for
accuracy in our
publications. If you find an
error, please contact us at
(602) 542-4758.**

A message from Secretary Bennett

I am pleased to present to you a revised *Arizona Notary Public Reference Manual* for 2011.

The Secretary of State's Office publishes this manual as a guide for Arizona notaries.

Revisions to this manual include concise

explanations of how to apply with our office, how to purchase a notary bond, information about your commission, duties as a public official, samples of notarial acts, and the laws and rules that govern Arizona notaries.

Arizona notaries are required to have a copy of this manual and keep it as a reference.

If you have any questions about Arizona notaries, please call (602) 542-4758.

Sincerely,

Ken Bennett
Secretary of State

Notary Public Background

In Arizona, a notary public is a public officer commissioned by the Secretary of State to perform notarial acts, as defined in the Arizona Revised Statutes (A.R.S.). A notary, in essence, serves as an impartial witness [A.R.S. § 41-328(B)].

Government offices, businesses and the public rely on the accuracy and integrity of notaries public. This means the notary should take the required steps to authenticate signatures and ensure that they properly complete all notarizations performed.

Many documents require a notarization in an effort to deter fraud, to prove the authenticity of the signature and to ensure that a signature was made willingly and not under duress. Therefore, it's essential that a notary accept a valid form of identification, as defined in statutes, to determine that a signer is who he or she claims to be.

Because the prevention of fraud and deception is central to the notary's role, it is essential that a notary have no conflict of interest when notarizing a document. In other words, a notary public cannot be a "party to the transaction" or a "party to the instrument." The notary may have no financial or beneficial interest in the transaction, no matter how small. Moreover, in Arizona, notaries public are prohibited from notarizing his or her own signature, as well as the signature of any person who is related to the notary by marriage or adoption [A.R.S. § 41-328(B)]. Additionally, the notary should keep in mind that notarizing a document for any family member could call into question a notary's impartiality in the transaction, and therefore this practice is discouraged.

A notarization on a document indicates that a notary public has taken all reasonable steps to verify a signer's identity before notarizing that person's signature. Additionally, if the notarization performed is a jurat, the document signer also is required to vouch for the truthfulness of the document.

THIS NOTARY REFERENCE MANUAL BELONGS TO:

IF FOUND, PLEASE RETURN BY CALLING:

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* PRIMARY RESIDENCY

A person can have only ONE primary residence at any time. An individual may be considered to be an Arizona resident if the following conditions are met:

- If the applicant lives within Arizona's borders, claims Arizona residence as his or her primary residence for tax purposes (that is, the applicant declares it on state and federal tax returns as a primary residence). OR
- If the applicant is currently registered to vote in Arizona.

The fact that an applicant is out of the state for a temporary or transitory purpose would not defeat or nullify Arizona residency. On the other hand, if an applicant is in Arizona for a temporary or transitory purpose, Arizona would not be a primary residence (A.R.S. § 41-312(E)(2)).



** CITIZENSHIP

In May 2007, a law was passed to require an Arizona notary public to be a citizen or a legal permanent resident of the United States.

MILITARY

Commissioned vs. non-commissioned officers

Commissioned officers in the armed forces of the United States are federally commissioned to perform notarial functions for other members of the armed forces and the other member's dependents (Attorney General Opinion I97-011).

Non-commissioned officers in the armed forces of the United States must meet the qualifications listed in this chapter to become an Arizona notary public.

Chapter 1. Notary Application Process

Qualifications

The following are legal requirements to become an Arizona notary public. An applicant:

- Must be an Arizona resident. (*See note on left*)
- Must be at least 18 years of age.
- Must be able to read and write English.

• Must be a citizen or a legal permanent resident of the United States** (A.R.S. § 41-312 (E)(2)); and

• Must not have a conviction for a felony unless civil rights have been restored, or a conviction for a lesser offense involving moral turpitude or of a nature that is incompatible with the duties of a notary public.

Note: If you have had a professional license revoked or suspended for misconduct or dishonesty or any cause that substantially relates to the duties or responsibilities of a notary public, or if you have had your notary commission revoked, the Secretary may refuse to grant you a commission.

Applicants may be eligible to become an Arizona notary public under these requirements. Signing the application is an attestation that the applicant meets these requirements. If requirements are not met the office may refuse to issue a notary commission or it may revoke a notary commission. Additionally, misstating information on a notary application may result in a denial or revocation of a notary commission. Even if an applicant's civil rights have been restored, the office may deny a notary commission if the felony conviction has a reasonable relationship to the functions of the office of a notary public.

Fee Schedule



The following fees are required to be paid to the Secretary of State's office when applying to become an Arizona notary.

\$25.00 Application fee
+ \$18.00 Notary bond filing fee
\$43.00 Total

OTHER OFFICE FEES

Notarial Capacity Certificate: \$18.00	Expedite Fee: \$25.00
Duplicate Commission Certificate: \$18.00	Name Change: No Charge
Change of Mailing or Home Address if notification made within 30 days of change: No Charge	Change of Mailing or Home Address if notification is NOT made within 30 days of change: \$25.00

Checks or money orders should be made payable to the Secretary of State

There is also an additional cost associated with obtaining a notary bond, notary seal and journal. These costs vary and notaries are encouraged to research companies who provide such services to secure the best price and quality of service.

Notary Bonds

A surety bond protects those for whom the notary public performs a notarization. The bond *does not* protect the notary public. Bonds *are not* purchased from the Secretary of State's Office.

BONDS AND THE APPLICATION PROCESS

• Before submitting an application to the office, applicants must purchase a notary bond. State law requires applicants to purchase a four-year \$5,000 notary bond [A.R.S. §§ 41-312(B) and 41-315 and A.A.C. R2-12-1103].

• Applicants must purchase bonds in duplicate. The original bond should be submitted to the Secretary of State with the notary application, while the duplicate copy is retained by the applicant.

Purchasing a Notary Bond

Bonds must be purchased from a licensed surety [A.R.S. § 41-315(A)]. A licensed surety means:

- a notary bonding company,
- an insurance company OR
- a notary organization

These entities can be found in a phone book or online.

Fees: Fees vary by each licensed surety.

The Notary Bond:

- Must display the applicant's printed name and be signed in two places exactly as it appears on the application.
- Must display effective and expiration dates and shall have the expiration date always one day less than the effective date four years later.
- Must be properly notarized [A.R.S. § 41-312(B)].
- Cannot be issued more than 60 days before or 30 days after the commission is initiated [A.R.S. § 41-315(B)]. Also, the bond's effective date cannot overlap the previous commission's bond end date, even by one day.
- The bond must be countersigned by the bonding company's authorized agents in two places on the bond form.
- Bonds must be notarized with jurat language and must not contain blank lines.

The Secretary of State's Office cannot offer a blank bond form. The bond laws fall under A.R.S. Title 20 relating to insurance. If your insurance bonding company has questions pertaining to Arizona bond requirements, please see Title 20 or contact the Arizona Department of Insurance.

BE AWARE:

The state of Arizona does not designate an "official" bonding company. Be wary of any company claiming to be an "official" bonding company of the State of Arizona as it has not been designated as such by the Secretary of State's Office or the State of Arizona.

Application Forms Are Available:

Business Filings	
Notary / Apostilles	Search for Notaries
Advance Directives	Frequently Asked Questions
Publications	Notary Reference Manual
Rules Filings	Notary Workshops
Legislative Filings	Apostilles
News Room	Applications and Forms
Kids Page	Fees Schedule
Library, Archives, & Public Records	Notary Bonds
	Purchase Notary Data

- At the end of this manual
 - By calling the Notary Division at (602) 542-4758 to request that an application be mailed or faxed to you
 - Online in a PDF format where the applicant can prepare the application and print it out. The web address is www.azsos.gov. From there, choose the Notary/Apostilles link
 - In person at the Secretary of State's Office
- Instructions are included with the application*

OATH OF OFFICE

Notaries must take an oath of office, which appears on the notary bond. The oath is prescribed by Arizona Revised Statutes § 38-231, and may be found at the end of this manual on page 25.

APPLICANT PRIVACY

Public Records and Application Information:

An applicant's name and business address are public information. If an applicant has no business address, he or she must list another address in the space provided for the business address, such as a home address or a P.O. Box. The applicant should remember that this will be public record.

All other information on the application form is confidential.

Only the applicant, the applicant's representative, or a public officer acting in an official capacity can view the application. The request must be put in writing on letterhead to our office [A.R.S. § 41-312(F)].

ERRORS AND OMISSION INSURANCE

Is it required?

E & O insurance may be purchased by a notary through an insurance or bonding company.

This insurance protects the notary if the notary inadvertently makes an error or omits an element when notarizing a document.

This insurance is not required by the state of Arizona.

A NOTARY PUBLIC IS A PUBLIC OFFICIAL**Applicants take an Oath of Office**

An oath of office is taken before being commissioned as a notary. (A.R.S. § 41-312).

The oath of office appears on the notary bond. The applicant must sign his or her name under the oath of office after taking the oath verbally before the notary who notarizes the bond.

ARIZONA SECRETARY OF STATE NOTARY PUBLIC SYSTEM

The public can search online for Arizona notaries through the Arizona Secretary of State Notary Public System.

As stated on the previous page, (Applicant Privacy) a limited amount of information is released under Arizona law.

Under "Search for Notaries" a notary can be searched by one of the following:

- Commission number
- Notary first and last name
- Business name
- Business zip code
- County of residency
- Commission expiration date

Visit: www.azsos.gov, then click on the Notary/Apostilles link for more information.

Application Processing Time

FIRST-TIME APPLICANTS AND COMMISSION RENEWALS

Provided there are no errors on the application or bond and the correct payment is sent, processing may take up to four weeks once received by the Secretary of State.

Application Consideration

If an applicant:

- Meets the requirements to become a notary public, the applicant will be commissioned as a notary public within several weeks of submitting the application.
- Has failed to produce required documents or has an error on the application, the applicant will be notified.
- Does not meet the requirements, the applicant will be notified as to why the application was rejected.

LIMITATIONS ON REFUNDS

Once the office receives an application it is considered filed.

Refunds are not issued **except** when a duplicate application has been filed for the same notary commission term.

In this instance a refund is processed only for the duplicate application. Please allow several weeks for refund processing.

Refunds are not issued for any other purpose.

Application Rejection

The office will notify the applicant of a rejection within 30 days. Some common reasons for rejection are:

- There is a discrepancy between the name and/or the signature on the bond and the name and/or the signature on the application. The applicant will be asked to correct the error

- The bond dates are incorrect. The applicant will need to request a rider – a statement that has the correct bond dates – for the bond from the notary bonding company
- The application is incomplete, such as sections left blank, or if it contains incorrect information

REJECTED

- Other information on the bond is incorrect. A checklist documenting the error and requesting the correction will be sent to the applicant's mailing address listed on the notary application
- The applicant owes any unpaid civil penalties

IF REJECTED FOR AN ERROR, YOU MAY REFILE AN APPLICATION. THE APPLICATION PACKAGE WILL BE RETURNED WITH A COVER SHEET INDICATING THE ERROR.

To re-file:

- Fill out a new application, correcting the error. DO NOT simply make corrections on the application that was returned to you.
- Return the rejection cover sheet, original bond (with rider if applicable), the new application and the filing fee listed on page 4 of this manual.

Chapter 2. Notary Commissions

The duties of the office of notary public can only be performed when the notary public has:

- An original notary bond and notary application on file with the Arizona Secretary of State's Office.
- An original commission certificate from the Arizona Secretary of State's Office
- A notary public seal
- A notary public journal

Commissions, Rights and Responsibilities

ARIZONA NOTARY PUBLIC DUTIES

Duties are specified in A.R.S. § 41-313(A) on page 27.

TERM OF COMMISSION

An Arizona notary public serves a four-year term.

CERTIFICATES

Certificates do not have to be posted, but must be kept in a safe place and, if requested, be presented as proof of a notary public's commission [A.R.S. § 41-311(2)]. To prevent fraud, a notary should not provide a copy of the certificate to anyone other than the vendor who creates the notary's seal (A.R.S. § 41-321).

Please check the spelling of your name, the County, and the dates that appear on your commission certificate, to ensure the information is correct. The information on your commission certificate directly affects the information that appears on your notary seal.

OWNERSHIP OF COMMISSION

- An applicant, private or public entity, the state or any of its political subdivisions may pay the fees and costs to commission a notary public. Payment of fees and other associated costs does not constitute ownership of a notary public's commission [A.R.S. § 41-312(C)].
- Notary commissions are non-transferable. This means they cannot be transferred between persons, nor can they be transferred to another state.

WORKPLACE RESTRICTIONS

- An employer of a notary public may not limit the notary public's services to customers or other persons designated by that employer [A.R.S. § 41-312(C)(3)].
- Notarizations can be performed outside the workplace regardless of whether a private or public entity pays for a notary public's commission.
- If a notary public's employment is terminated or he or she leaves employment, the notary public may maintain his or her commission, resign his or her commission, or let the commission expire. If the notary public chooses to resign or let the commission expire he or she shall follow the procedures stated in this manual to surrender his or her notary seal and journal to the Secretary of State's office.

JOURNAL POSSESSION:

- Regardless of who pays for a notary public's commission, whether it be the notary or his or her employer, the notary public's seal and journal are the property of the notary public if the journal contains public records. The notary public shall not relinquish the journal to the employer if the journal contains public records [A.R.S. § 41-312(C)]. A journal that contains only nonpublic records is property of the employer when the notary public leaves that employment. See page 19 for details about public and non-public records.

NOTARY PUBLIC SIGNATURE

OFFICE OF THE SECRETARY OF STATE
I, _____, solemnly affirm, under penalty of perjury, that the answers to all questions
TED ABOVE)
act that I have carefully read and understand the notary law (Title 41, Chapter 2, Article 2) of
served as a notary public, I will perform faithfully, to the best of my ability, all notarial acts in
the that your NAME MUST BE PRINTED AND SIGNED THE SAME ON THIS APPLICATION as

John J. Doe 11/5/08
Signature of Applicant Date
Revised 5/2008

When performing a notarization, a notary public must sign his or her name exactly as it appears on the notary application and notary bond.

_____, a notary public, do certify that, on the 6th day of
09, I personally made the above/attached copy of
_____, from the original, and it is a true, exact, complete, and
true.

John J. Doe
Notary Public

A WORD ABOUT BONDING AGENTS

If a bonding agent uses an out-of-state vendor to obtain a notary seal, that vendor is still required to obtain a copy of the commission certificate before making a notary seal.

By making Arizona notary seals, the vendor is bound by Arizona law and needs to receive, and keep on file for four years, a copy of the commission certificate (A.R.S. § 41-321).

EMBOSSERS

A notary public may use an embosser, sometimes referred to as a crimper, but may *only* do so in conjunction with the use of a rubber stamp notary seal.

DUPLICATE CERTIFICATES

Notification: A notary who loses or inadvertently destroys a commission certificate may request a duplicate certificate from the Secretary of State's Office. The request should be put in writing, or the notary may visit the office for a duplicate certificate.

Fee: See page 4

Failure to comply: A notary certificate is proof that an Arizona resident has been commissioned as an Arizona notary. Under the law there is no requirement to post a certificate. A certificate must be kept handy in case anyone asks for identification and proof that someone is commissioned. Therefore, it is prudent that the notary contacts the office as soon as possible for a replacement certificate [A.R.S. § 41-311(2)].

While a notary may show another his or her commission certificate, in an effort to prevent fraud, a notary should not provide a copy of the commission certificate to anyone. If a customer needs proof of a notary's authority, he or she may contact the Secretary of State's Office.

Commission Certificate

Commission and Commission Certificate

A commission certificate is an official document issued by the Secretary of State's Office that certifies the appointment of a notary public. The commission certificate is the notary public's proof that he or she is commissioned as a notary public in the State of Arizona [A.R.S. § 41-311(2)].

A commission certificate includes:

- The notary public's name as it appears on the application form
- The notary public's commission number
- The issuance date
- The expiration date of the commission
- The name and signature of the Secretary of State who commissioned the notary public

Note: A commission certificate is still valid regardless of whether or not the Secretary of State that commissioned the notary still holds office, unless of course, the commission expires, is revoked or suspended.

Receipt of Commission Certificate

PROCURE A NOTARY PUBLIC SEAL

After receipt of commission certificate, a notary public must procure a notary public seal. To do so, contact a stationery store, office supply store, bonding agent or professional notary organizations.

A notary public can only have one seal.

The Notary must provide a COPY of the notary certificate to the company making the seal. (Ensure all info is correct on commission certificate prior to submission to the stamp vendor.)

Fees: Vary by vendor

A Valid Notary Seal Must:

- Be a rubber stamp
- Have dark ink. These colors include dark blue, dark purple, dark green or dark brown. Red ink or ink not viewable on all copy or fax machines is unacceptable.
- Not be larger than 1 1/2 inches high and 2 1/2 inches wide
- Contain the words "Notary Public"
- Contain the notary public's name as listed on his or her commission certificate
- Contain the Arizona county in which the notary public was commissioned, listed on the commission certificate.
- Contain notary public's current commission expiration date
- Contain the Great Seal of Arizona [A.R.S. § 41-313(B)(2)].

Failure to comply: Not procuring a seal as described in A.R.S. 41-313(B)(2) is grounds for the Secretary of State to refuse, revoke, or suspend a notary public's commission [A.R.S. § 41-330(A)(4)]. See pages 11 and 12 for more information.

PURCHASE A NOTARY PUBLIC JOURNAL

Notaries public must obtain a journal. Journals can be purchased at stationery or office supply stores and through notary organizations.

Fees: Vary by vendor

Journals must be in paper form and list notarial acts in chronological order. Additionally, although not required by law, use of a permanently bound journal is recommended for the notary's protection. Permanently bound pages are more difficult to remove or lose, than loose-leaf pages.

Failure to comply: Not procuring a journal as described in A.R.S. § 41-313(B)(1) & 41-319 is grounds for the Secretary of State to refuse, revoke, or suspend a notary public's commission [A.R.S. § 41-330(A)(4)]. See pages 11 and 12 for more information.

The use of notary journals is discussed in detail on page 19-20 and a sample is provided on page 40.

Commission Amendments

NAME CHANGES

Compliance (A.R.S. § 41-327): A commissioned notary shall notify the Secretary of State's office within 30 days of a name change of surname. Use the Notary Public Address/Name Change Form on page 47 of this manual.

Fee: None

Failure to comply: Failure to comply is evidence of the notary's failure to fully and faithfully discharge the duties of notary and may result in suspension or revocation of the notary's commission.

A commissioned notary whose name changes can:

1. Apply for a new commission under his or her new name. Follow the instructions on page 4 to apply for a new commission.
2. Alternatively, the notary does not have to apply for a new commission if he or she:
 - Signs his or her new name
 - And below that, signs his or her name the way the way it appeared on the original commission

ADDRESS CHANGES – Mailing, Residential or Business

Compliance (A.R.S. § 41-323): Notaries must file an address change within 30 days of the change. An address change form is available on page 43 of this manual

Fee: None

Failure to comply: Failure to comply is grounds for the Secretary to suspend or revoke the notary's commission and may result in a \$25 civil penalty.

Commission Resignation

Compliance [A.R.S. §§ 38-294(2) & 41-317]: A notary who chooses to resign must notify the governor in writing of the resignation, as well as surrender the notary seal, notarial journal and records, except those records of notarial acts that are not public record, to the secretary of state. See "Surrender of Journal, Seal and Records" on page 10.

Fee: None

Failure to comply: A commission is not resigned until the governor is notified. Items are required to be sent within three months of a notary's resignation or the notary shall forfeit not less than \$50 nor more than \$500 to the State [A.R.S. § 41-317(A)].

Journal Retention: Any journal that contains records which are all five years old, or older may be destroyed, and are not required to be turned into the Secretary.

The original resignation letter must be delivered to:

Governor of Arizona, Attn: Notary Resignations
1700 W. Washington Street
Phoenix, Arizona 85007

A copy of the resignation letter, along with the notary's journal and seal, must be sent to:

Arizona Secretary of State, Attn: Notary Department
1700 W. Washington Street, 7th Floor
Phoenix, Arizona 85007

As a courtesy, a copy of the resignation letter should be sent to the notary public's bond company as well.

RETENTION OF NOTARY RECORDS

Notaries are required to keep a journal of all notarial acts for at least five years. A notary should not destroy a journal unless its most recent entry is at least five years old.

If a notary ceases to be a notary, he or she must surrender his or her records to the Secretary of State by certified mail or other means that provides proof or receipt.

Journals that contain entries that are not public record should remain with the notary's employer if the notary leaves his or her place of employment (See page 7, 8 & 19 about maintaining two journals and public vs. private records).

If a journal contains only entries that are public record, the journal is the notary's property and the notary is responsible for turning in the journal to the Secretary of State upon ceasing to hold a notary commission (A.R.S. § 41-317).

Additionally, a notary must destroy or surrender his or her seal upon ceasing to be a notary.

*BURDEN OF PROOF

Throughout this manual there are references to sending and delivering items or correspondence "by means of a receipt."

This means the notary needs to receive proof the items were delivered.

REPLACING SEALS AND JOURNALS

Loss

A notary shall notify the Secretary of State's Office of the loss in writing by some form of receipt.

Theft

A notary should contact a law enforcement agency in his or her jurisdiction if the theft of a notary seal and/or notary journal has occurred.

NOTIFICATION OF LOSS OR THEFT

Secretary of State's Office

The notary public shall notify the office within **10 days** as specified in A.R.S. § 41-323. A notification form is available online at www.azsos.gov.

Fee: None

Failure to Comply: If notification has not been received within 10 days of the loss or theft, a civil penalty of \$25 per offense will be assessed and must be paid prior to the renewal of the notary's commission.

Replacing a Notary Seal

Lost or stolen notary public seals can be replaced.

The shape and ink color of the replacement seal should be different than the original seal. There are no shape requirements for notary seals. For other seal requirements, see page 8.

Once the new seal is received, the notary public should describe the replacement seal to the law enforcement agency to which the theft of the original seal was reported. The notary should also contact the Secretary of State in writing with a description of the new seal. The notary public should also document in his or her journal when he or she started to use the new seal. This protects the notary in the event that the old seal is used fraudulently.

Replacing a Notary Journal

A new journal shall be purchased if lost or stolen. The office recommends that the notary public explain in the journal why a new journal is being used [A.R.S. § 41-323(B)].

Commission Expiration or Death of a Notary

Compliance (A.R.S. §

41-317): On the resignation or revocation of a notarial commission or the death of a notary, the notary seal, notarial journal and records, except those records of notarial acts that are not public record, shall be delivered to the secretary of state. See *"Surrender of Journal, Seal and Records"* below.

JOURNAL, SEAL AND RECORDS

A notary public who chooses to allow a commission to expire shall deliver his or her notary public seal, notary public journal, and other notary records to the Secretary of State's Office within 90 days. A signed cover letter that includes the notary's name, commission number and the last four digits of the notary's social security number should be sent with the items.

In the case of a death of a notary, a personal representative of the notary shall surrender the items to the Secretary of State and include a copy of the notary's death certificate within 90 days.

Surrender of Journal, Seal and Records

When journals, seals and other notary records are surrendered to the Secretary of State's Office they should be sent via certified mail or other means providing a receipt. Receipts should be retained as proof of the communication, as they protect the notary by providing evidence that the necessary items were surrendered. The notary has the burden of proof to demonstrate that he or she surrendered required items to the Secretary of State. Items may also be surrendered in person at either the Secretary of State's Office in Phoenix or Tucson, at which time he or she will be provided with a receipt.

Failure to comply: Items are required to be sent within three months of a notary's commission expiration or death or the notary shall forfeit not less than \$50 nor more than \$500 to the Secretary of State's Office (A.R.S. § 41-317).

Notary Public's must keep any journals whose most recent entry is less than 5 years old as long as they retain a notary commission.

Commission Renewal

Notaries public may submit a renewal application, new bond and filing fees to the Secretary of State's Office up to 60 days prior to the expiration of a commission. Notaries public may continue to notarize until midnight of the expiration date of a current commission. See page 4 for more information on the application process.

Failure to comply: A notary who fails to renew a commission has let it expire (see "Commission Expiration or Death of Notary" above). The notary may reapply at any time for a new commission. If an individual reapplies after a commission expires, he or she may not notarize documents until receiving the new commission from the Secretary of State's Office. Upon reappointment as a notary, the notary must obtain a new seal that contains the notary's new commission expiration date before he or she performs any notarizations. See page 8 for more information on the necessary elements of a notary seal.

Notary Law Violations

A notary commission may be suspended, revoked or denied for failure to discharge fully and faithfully any of the duties or responsibilities required of a notary public. Examples are listed throughout the manual and include but are not limited to:

- Failure to keep, protect and maintain a notary journal in accordance with A.R.S. § 41-313(B)(1)
- Failure to obtain a notary seal in accordance with A.R.S. § 41-313(B)(2)
- Failure to notify the Secretary of a change of surname within 30 days of the name change. A.R.S. § 41-327.
- Failure to notify the Secretary of an address change within 30 days of the change. A.R.S. § 41-323

The laws governing notaries public are found in the Arizona Revised Statutes, and may be found on page 26 of this manual. Additionally, the annotated version of Arizona Revised Statutes and the historical notes to the notary law can be found at your local library.

Examples of misconduct under A.R.S. § 41-330

- Substantial and material misstatement or omission in the application for a notary public commission that is submitted to the secretary of state.
- Conviction of a felony unless the notary public's civil rights have been restored, or of a lesser offense involving moral turpitude or of a nature that is incompatible with the duties of a notary public. A conviction after a plea of no contest is deemed to be a conviction for purposes of this paragraph.
- Revocation, suspension, restriction or denial of a professional license if that action was for misconduct, dishonesty or any cause that substantially relates to the duties or responsibilities of a notary public.
- Failure to discharge fully and faithfully any of the duties or responsibilities required of a notary public.
- The use of false or misleading advertising in which the notary public has represented that the notary public has duties, rights or privileges that the notary public does not possess by law.
- Charging more than the fees authorized by statute. A notary public who charges fees higher than allowed by rule (see the rules in the back of this manual) is liable to the party aggrieved in an amount four times the fee unlawfully demanded and received [excessive fees A.R.S. §§ 38-413 and 41-316(C)]. In doing so the notary public is also guilty of a class 5 felony.
- The commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit the notary public or another person or to substantially injure another person.
- Failure to complete the acknowledgment or jurat at the time the notary's signature and seal are affixed to the document.
- Failure to administer the oath or affirmation required at the time of performing a jurat for an individual.
- Execution of any notarial certificate by the notary public containing a statement known by the notary public to be false.
- Notarization of a document that contains no notarial certificate.
- The return for insufficient funds or any other reason for nonpayment of a check issued for an application or bond filing fees to the secretary of state.
- Failure to notify the Secretary of State's Office within 30 days of a name change.

FRAUD AND DECEPTION

A notary public who engages in any fraudulent or deceptive conduct related in any way to his or her capacity as a notary may be held liable for misconduct.

Seal usage is limited to the commissioned notary's personal use. The notary shall not use someone else's notary seal or knowingly let someone else use his or her notary seal.

LANGUAGE DECEPTION

A.R.S. § 41-329 (A) & (B) states:

(A) Every notary public who is not an attorney who advertises, by any written or verbal means, the services of a notary public in a language other than English, with the exception of a single desk plaque, shall post or otherwise include with the advertisement a notice in English and the other language. The notice shall be of conspicuous size, if in writing, and shall state: "I am not an attorney and cannot give legal advice about immigration or any other legal matters."

(B) A notary public who violates subsection A of this section is guilty of a class 6 felony and the notary public's commission shall be permanently revoked.

In other words, if a notary is not an attorney, the notary may not advertise his or her services in another language unless the notary also makes it clear, pursuant to the above referenced statute, that he or she is not an attorney and cannot offer legal advice about immigration or any other issue.

ADDITIONAL REASONS FOR REVOCATION

The Secretary of State will revoke a notary's commission if a bonding or insurance company cancels a notary's bond or if the check used to pay for the notary's commission is returned for non-sufficient funds.

NOTARY LAW VIOLATIONS

Notaries must follow specified guidelines under the notary laws, which are provided on pages 26 through 38 of this manual. Failure to comply may result in the Secretary of State refusing, revoking or suspending a commission.

Violations of the notary laws include but are not limited to:

- A notary's failure to notify the Secretary of a lost or stolen notary journal within 10 days of the loss or theft [A.R.S. § 41-323(B)].
- A notary's failure to respond to an investigation [A.R.S. § 41-331(B)].
- A notary's failure to identify a signer using the satisfactory evidence of identity prescribed in statute. [A.R.S. § 41-311].
- A notary's failure to keep maintain and protect a journal of all notarial acts in accord with [A.R.S. § 41-319].

***FILING A NOTARY COMPLAINT**

The following information shall be clearly identified when a complaint is filed:

The party opening the grievance. If a government agency is filing the grievance an individual must be identified who will serve as the point of contact while the investigation is conducted.

The name of the notary who has allegedly committed the notary violation(s) must be clearly identified.

A detailed description of the circumstances surrounding the notary's services must be provided.

The complaining party must identify how they believe the notary's actions violated the law.

A copy of the notarized document at issue and other documents/information supporting the allegations.

Notary Law Violations NOTARIAL ERRORS

Compliance: Notaries shall fully and faithfully discharge duties as a notary public. Any violation of notary statutes is also a failure to discharge fully and faithfully any of the duties or responsibilities required of a notary public. Some examples include:

NOTARIZATION WITHOUT USING A NOTARY SEAL

A notary who does not place his or her notary seal on a document has performed an incomplete notarization. Arizona law requires that the seal be placed on each notarization. Otherwise, a court of law could declare the notarization invalid.

NOTARIAL LANGUAGE MISSING

A notary who notarizes a document without notarial language (see notarial certificates in this manual) has performed an incomplete notarization. A court of law could declare the notarization invalid.

NOTARIZING A DOCUMENT THAT CONTAINS BLANK SPACES

A jurat cannot be performed on a document that contains blank spaces or that is incomplete. There is no such limitation when performing acknowledgments, although the Secretary of State's office recommends that a notary public not notarize a document containing obvious blank spaces. [A.R.S. § 41-328(A)].

IMPARTIALITY / PARTY TO THE INSTRUMENT

A notary public shall not perform a notarization on a document if the notary is an officer of any named party, if the notary is a party to the document or if the notary will receive any direct material benefit from the transaction that is evidenced by the notarized document that exceeds in value the fees prescribed pursuant to A.R.S. § 41-316 & 41-328(C).

PROHIBITED CONDUCT

Subject to A.R.S. § 41-320, a Notary shall not perform a notarization on a document if

- the notary is an officer of any named party
- the notary is a party to the document
- the notary will receive any direct material benefit from the transaction that is evidenced by the notarized document that exceeds in value the fees prescribed pursuant to A.R.S. § 41-316.

Notary Public Complaints**AN INVESTIGATION OF MISCONDUCT****Steps:**

1. The Secretary receives a written complaint indicating a violation of notary law or ethics.*
2. The complaint is forwarded to the Arizona Attorney General's Office ("AGO").
3. The AGO investigates the complaint. (While pending, the complaint is confidential.)
4. The AGO provides the Secretary with their investigation results.
5. The Secretary's Office contacts the notary public by written notice of the decision.

Results; a decision may include:

- Taking no action.
- Suspending a commission, from 30 to 180 days pursuant to A.R.S. § 41-330(C).
- Revoking a commission indefinitely, pursuant to A.R.S. § 41-330(A).
- In the case of a suspension or revocation, a notary public has 30 days from the date of notification of the disciplinary action to appeal the action by requesting an administrative hearing by certified mail, fax or some means of receipt.

A notary public could be fined or go to prison for misconduct. If a notary public is prosecuted for criminal fraud, he or she could be fined and/or imprisoned and/or be required to pay restitution. If a notary public is found civilly liable, he or she could face unlimited financial damages, court costs, and attorney fees.

Official Misconduct

A court could hold a notary public to unlimited liability if a notary public is found guilty of official misconduct.

In Arizona, a notary commission could be revoked, perhaps permanently.

In some states, employers have been held liable for errors on the part of a notary who performs notarizations in conjunction with his or her place of employment. In one such instance an employer was held liable for damages. Therefore, it's important that those employing notaries take care to ensure that the notaries understand the laws and practices associated with being a notary public.



YOUR SUPPORT TEAM IS AVAILABLE TO ANSWER QUESTIONS

Office staff is available from 8 a.m. to 5 p.m. (Arizona time) to answer questions about the notary application process and commissions.

Call (602) 542-4758

Email us at notary@azsos.gov or

Visit the Secretary of State's website at www.azsos.gov

Notary Education and Training



NOTARY MANUAL

Compliance (A.R.S. § 41-312): The law requires notaries public to “keep as a reference a manual that is approved by the Secretary of State that describes the duties, authority and ethical responsibilities of notaries public.”

Copies of this manual are available on the Arizona Secretary of State's website. The manual may be reproduced for private use. It is not to be used for commercial purposes.

Request a manual:

- In writing to, Arizona Secretary of State, Attention: Notary Section, 1700 W. Washington Street, 7th Floor, Phoenix, Arizona 85007
- By e-mailing notary@azsos.gov
- By fax at (602) 542-4366
- By phone at (602) 542-4758
- By printing one from the Secretary of State's website at www.azsos.gov

Fees: None.

Failure to comply:

The Secretary of State may refuse, revoke, or suspend a notary public's commission under A.R.S. § 41-312.

NOTARY WORKSHOPS

Free notary workshops are offered by the Secretary of State's Office.

Compliance: The secretary of state may require that applicants and suspended notaries present proof of attendance at a notary training course 90 days before receiving their commissions or 90 days before reinstatement of a suspended commission.

Request a schedule and locations and sign up; by phone at (602) 542-4758; OR online at www.azsos.gov

Fees: None.

Failure to comply:

If a suspended notary fails to provide proof of workshop attendance within the time frame set forth in the terms of their suspension the notary commission will be revoked.

Private companies and organizations also offer notary training.

The Secretary of State's Office cannot offer legal advice or otherwise offer recommendations on document preparation. If you need legal advice, you should consult with an attorney.

A WORD ABOUT NOTARY TRAINING

The State of Arizona does not designate an official trainer or endorse companies who train notaries.

Be wary of any company claiming to be an “official” trainer for the State of Arizona, as it has not been designated as such by the Secretary of State's Office or the State of Arizona.

NOTARIAL CERTIFICATES

Not to be confused with a commission certificate, a notarial certificate is the part of, or attachment to, a notarized document, which is to be completed by the notary public and that bears the notary public's wet signature and seal.

Notarial Certificate Facts

The certificate states the facts that are attested to by the notary public in a particular notarization [A.R.S. § 41-311(7)].

Notarial Certificate Venue

The state and county where the notarization takes place is known as the "venue." [A.R.S. § 41-311(12)].

Notarial Certificate Types

A notary public should become familiar with the types of notarial certificates on a document. Samples of certificates are contained in this manual, beginning on page 21.

Documents Without Notarial Certificates

If a document does not contain a notarial certificate but the individual wants his or her signature notarized, the notary public must ask the requestor which type of notarization he or she wants. The individual requesting the notarization determines the type of notarial certificate.

Once this is determined, the notary public can type, stamp, or neatly handwrite this information on the document or attach a certificate (see "Attach Certificate" on page 22 & samples of attach certificates on pages 49-55).

OATHS AND AFFIRMATIONS

A notary public should become familiar with oaths and affirmations and how to administer them. Samples of each are in this manual, beginning on page 24.

An oath or an affirmation is a notarial act or part of a notarial act in which a person makes a vow in the presence of a notary public under penalty of perjury. In the case of an oath reference is made to a supreme being [A.R.S. § 41-311(10)].

Chapter 3. Notarial Duties

NOTARIAL ACTS

A commissioned Arizona notary public can perform four notarial acts (A.R.S. § 41-313):

- Acknowledgments (page 21)
- Jurats (page 22)
- Copy certifications (page 23)
- Oaths and affirmations (page 25)

BOUNDARIES OF NOTARIAL ACTS

Arizona notaries public may only notarize documents within the state boundaries of Arizona.

If a document is to be filed in a different state, it may still be notarized by an Arizona notary public if it is presented before the notary within the State of Arizona, and the Signer/Requestor is in person for the notarization.

Notarization Request

Compliance: If a reasonable request is made, a notary public shall notarize a document under the guidelines in this manual.

Failure to comply: A notary public cannot refuse a notarization of a document if a reasonable request is made. A notary can however, refuse a notarization if the document or the signer does not meet other requirements listed in this manual.

**EXAMPLES:**
Posted Hours

A reasonable request includes one that is made during a notary's normal business hours, that is, the hours posted on the door of the business.

Note: Even if the request is made one minute before closing, it is considered a reasonable request.

HOURS OF DUTY

As another example, if a notary only performs notarial acts while on duty for his or her employer, and his or her work hours are 8:00 a.m. to 5:00 p.m., then a request made at 8:00 p.m. would be an unreasonable request.

BUSINESS HOURS	
Monday	8am to 5pm
Tuesday	8am to 5pm
Wednesday	8am to 5pm
Thursday	8am to 5pm
Friday	8am to 5pm
Saturday	Closed
Sunday	Closed

Documents and Signatures

A document signer must appear in the notary's presence *before* any notary act can be performed.

- If the document signer is not present then the notary public may not perform the notarization.
- If the document signer is present and the document is already signed. See page 17, "Documents with a Signature."
- Regardless of whether a document is pre-signed or is signed in the notary's presence, the signer must still produce satisfactory evidence of identity before the notary proceeds with notarizing the document.

Black's Law Dictionary defines "reasonable" in part to be: "fair, proper, just, moderate, suitable under the circumstances..."

Foreign Language Requirements

Notaries may only perform the notarial acts prescribed in their notarial duties if the signer signs in a language that the notary understands, and the notarial certificate is worded and completed using only letters characters and a language that is read, written and understood by the notary public.

WRITTEN TRANSLATIONS

A Notary may perform a notarial act on a document that is a translation of a document that is in a language that the Notary does not understand, only if the person performing the translation signs an affidavit containing an oath/affirmation that the translation is accurate and complete. [A.R.S. § 41-313(D)]

The notarized translation and affidavit shall be attached to the document and shall contain all of the elements for an attach notarial certificate found on page 22. A sample of a translator's oath is found on page 55 of this manual. Also see the example below.

The document in a foreign language must be attached to the translation and the translator's notarized affidavit in order for the notary to carry out the notarization of this type of document.

I _____ do solemnly swear or affirm that	
(Name of Translator)	
I know the English language and the _____ language, and that I can	
(foreign)	
translate from either of them into the other, and that the attached is an accurate and complete translation of _____, made by me from	
(brief description of document)	
_____ into _____	_____
(language of original document)	(language of translated document)
I understand that if I am found to have made a false or misleading statement concerning information on this document, I may be subject to the penalty of perjury.	
_____ Signature	_____ Date
State of Arizona)	
County of _____)	
Subscribed and sworn/affirmed before me this _____ day of _____, _____, by _____.	
[affix seal here]	
_____ NOTARY PUBLIC	

VERBAL TRANSLATIONS

Subject to A.R.S. § 41-313(D), the signer may communicate directly with the Notary in a language they both understand, or indirectly through a translator who is physically present with the Signer and the Notary at the time of the notarization and communicates directly with the Signer and the Notary in languages the translator understands. [A.R.S. § 41-313(B)(3)]

TRANSLATORS

It is not a requirement that the notary public provide customers with a translator. It may be in their best interest to have a translator who they trust to translate correctly though.

A translator may need to be present to verbally translate oaths or affirmations or to explain a document to a signer if they are unable to read the document, prior to having their signature notarized.

SATISFACTORY EVIDENCE OF IDENTITY - REFUSAL

A notary should refuse a notarization if he or she has no personal knowledge of the individual, there is no credible person, and the signer does not have an appropriate form of identification that meets the standards of A.R.S. § 41-311.

IDENTIFICATION CARDS AND FRAUD

Notaries should check the identification presented at the time of notarization to determine if the signer matches the physical description and photo.

If a notary feels for any reason that the form of identification presented by the requestor is fraudulent, the notary may refuse the notarization. However, the notary should document the refusal in his or her journal.

DETECTION OF FRAUDULENT IDs

It is recommended that Arizona Notaries Public learn how to detect fraudulent and false identification presented to them. Classes are offered by many local police departments and sheriffs' offices.

Satisfactory Evidence of Identity



Compliance: A notary shall identify the signer of a document. This is referred to as satisfactory evidence of identity. A.R.S. § 41-311

Failure to comply: If a notary fails to comply with this requirement the Secretary of State may refuse, revoke, or suspend a notary public's commission.

***Exception to the ID**

Rule. See box below and to the right for more information

Although subject to change, examples might include:

- Passports without visas from qualified individuals who are visiting from countries participating in the Visa Waiver Program. Visit www.state.gov for a list of such countries.

- Identification accepted from certain visitors from Canada and Mexico under the Western Hemisphere Travel Initiative. Visit www.getyouhome.gov for more information.

**1. PERSONAL KNOWLEDGE OF THE INDIVIDUAL BY THE NOTARY**

A notary can use personal knowledge of the signer if the notary has known the individual for a sufficient length of time and the notary is assured that the signer has the identity claimed. In such instances, the notary does not need to request other forms of identification from the individual.

2. AN UNEXPIRED DRIVER LICENSE THAT IS ISSUED BY A STATE OR TERRITORY OF THE UNITED STATES**3. AN UNEXPIRED PASSPORT THAT IS ISSUED BY THE UNITED STATES DEPARTMENT OF STATE****4. AN UNEXPIRED IDENTIFICATION CARD THAT IS ISSUED BY ANY BRANCH OF THE UNITED STATES ARMED FORCES****5. ANY OTHER UNEXPIRED IDENTIFICATION CARD THAT IS ISSUED BY THE UNITED STATES GOVERNMENT OR A STATE OR TRIBAL GOVERNMENT, THAT CONTAINS THE INDIVIDUALS PHOTOGRAPH, SIGNATURE AND A PHYSICAL DESCRIPTION THAT CONTAINS THE INDIVIDUAL'S:**

- height
- color of hair
- weight
- color of eyes

Continued on next page

For the purposes of real estate conveyance and financing

In addition to the other forms of acceptable ID, a notary may accept the following forms of ID:

1. A valid unexpired passport issued by a national government other than the United States government and that is accompanied by a valid unexpired visa or other documentation that is necessary to establish an individual's legal presence in the United States.
2. Any other valid unexpired identification that is deemed acceptable by the United States Department of Homeland Security to establish an individual's legal presence in the United States and that is accompanied with supporting documents as required by the United States Department of Homeland Security. **see note on left for more information*

Satisfactory Evidence of Identity CONTINUED

DOCUMENTATION OF A CREDIBLE PERSON

If a notary public uses a credible person as satisfactory evidence of identity:

The credible person must:

- ☐ Be placed under oath to affirm that the signer has the identity claimed

AND

- ☐ Sign the notary public's journal

The signer must also:

- ☐ Sign the notary public's journal

Examples of oaths to affirm a credible person are on page 25.

6. CREDIBLE PERSON

If a notary does not know the signer personally and the signer does not have valid ID the notary can use a credible person to identify the signer.

A credible person must be someone who knows the signer personally. Some state's refer to a credible person as a credible witness [A.R.S. § 41-311(11)(A)(v) & (vi)].

There are two types of credible persons:

1. The first is someone whom the notary knows and who knows the signer. Satisfactory evidence of identity of the credible person in this case is personal knowledge. The credible person is then placed under oath to swear or affirm that the signer has the identity claimed.

2. The second is someone whom the notary does not know personally but who personally knows the signer. The credible person must present the notary with an ID card that meets the requirements on page 16.

The notary must list in the journal the type of satisfactory evidence of identity used for the credible person, and obtain the credible person's full name, signature and address, as well as all necessary journal elements for the signer (see page 20).

Note that in both cases the credible person must always know the signer.

NOTARIES PUBLIC AND ACCEPTANCE OF SIGNATURES

A notary can notarize a thumb print or an "X" mark as a "signature" or "subscription."

These include any kind of mark when a person cannot write, provided that the person's name is written near the mark and the mark is witnessed by a person who writes his or her own name as a witness.

If a person who cannot write is either known to the notary or can provide sufficient evidence of his or her identity to the notary, the notary can then write the person's name near his or her mark. A special note should be made in the notary's journal indicating this action.

POWERS OF ATTORNEY

If an individual claims to have Power of Attorney (POA) for another and presents a document for notarization in which the individual wants to sign on behalf of the person whose POA he or she claims to have, it is suggested that the notary request to see a copy of the POA and verify that the POA grants the authority to execute the type of document that is being presented. The signer is required to present satisfactory evidence of identity confirming that he or she is the individual he or she claims to be. The individual should then sign his or her name. Next to that, he or she should print "signing on behalf of (name of individual whose POA he or she has)."

A journal entry must be made conveying who the signer was and on whose behalf he or she was signing.

If a notary doubts the authenticity of the POA produced or otherwise is uncomfortable performing the notarization, he or she should refuse the notarization and document the reason for the refusal in his or her notary journal.

Documents with Signature



Compliance: A document with acknowledgement language may be pre-signed. However, the document signer must be present for the notarization, and the signer must present satisfactory evidence of identity consistent with the information provided on pages 15 and 16 of this manual.

If the notary does not know the signer, the signer must present satisfactory evidence of identity consistent with the elements listed on pages 15 and 16 of this manual.

The notary is encouraged to compare the signature of the signer on the pre-signed document with the signature that the signer makes in the notary's journal. The notary must use his or her judgment when comparing signatures.

- If the signatures look like they were signed by the same person, the notary should perform the acknowledgment.
- If the signatures look different and the notary is unsure if the same person made the signatures, the notary may request that the signer sign the document again, or may refuse the notarization.

Remember: When performing a jurat, the document must be signed in the notary's presence. See page 22.

Signer personally present

There are no exceptions. See page 14, Documents and Signatures. In Arizona a Signer may NOT appear via video conference for a notarization.

Signer comprehends and proceeds willingly

The notary has the right to refuse the notarization if he or she feels this is not the case.

Signer Identification

Ways to identify the signer are listed on page 16.

Original Documents

An original document is one that is unsigned, or that was physically signed in "wet ink" by the document signer. Acknowledgements (page 21) and jurats (page 22) must be identified and properly performed.

Incomplete Documents

An incomplete document is a document that has not been signed where a signature line is provided or where other obvious blanks appear in the document, or that lacks a notarial certificate [A.R.S. § 41-311(5)]. The notary cannot perform a notarial act on a document that is missing pages, or that contains fields that should be filled in. If missing pages cannot be presented to the notary, or if the signer does not know how to fill in the blank fields in the document, the notarization cannot be completed. A document lacking a notarial certificate is considered an "incomplete document" and is grounds for revocation.

Venues

The venue is the state and county where a notarial act occurs. On most documents, the notarial language has a space for the state and the county. The venue will not necessarily be the county on the Notary Seal. Notaries are authorized to perform notarizations within all counties in the state.

The presence of the commissioning county on the notary's seal does not constitute affixing a venue to the notarial certificate.

Steps to a Proper Notarization

These steps are verified and completed on EACH and EVERY notarization:

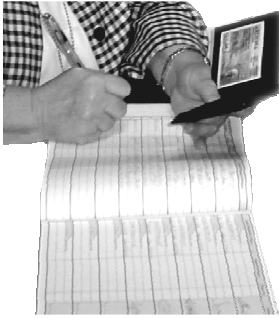
VERIFICATION

- ☐ 1. The SIGNER must be PERSONALLY PRESENT. If yes, continue.
- ☐ 2. Does the SIGNER COMPREHEND the underlying transaction on the document? If yes, continue.
- ☐ 3. Is the SIGNER PROCEEDING WILLINGLY? If yes, continue.
- ☐ 4. Has the notary IDENTIFIED the SIGNER? If yes, continue.
- ☐ 5. Has an ORIGINAL DOCUMENT been presented for notarization? If yes, then identify the type of notarial act (*jurat, acknowledgment, copy certification or oath/affirmation*). (See "Original Documents" to the right)
- ☐ 6. Has a COMPLETE DOCUMENT been presented for notarization? If yes, continue. (See "Incomplete Documents" to the right)
- ☐ 7. Verify that the NOTARIAL LANGUAGE of the desired notarial act is on the document and obvious. If yes, continue. If no act is clearly indicated, then the signer or other party involved with the document must choose the notarial act. A notary can explain the differences between the various acts, but cannot choose the act or the notary risks practicing law without a license. Refer to A.R.S. § 41-311, or pages 21-25 of this notary public reference manual for the wording and format of notarial acts. If the signer identifies the notarial act, continue.
- ☐ 8. RECORD THE TRANSACTION. Indicate the notarial transaction performed in a notary journal. See journal entries page 40.

NOTARIZATION

- ☐ 9. Complete the VENUE on the document (page 14).
- ☐ 10. Complete the notarization by filling in the areas of the notarial certificate. The notarial certificate must be in a language the Notary understands. A.R.S. § 41-313(B)(4), and it must contain the venue, date & facts attested to by the notary for that particular notarization. A.R.S. § 41-311(7).
- ☐ 11. SIGN the document near the title of "Notary Public." The notary must use his or her OFFICIAL wet SIGNATURE, not a facsimile (stamp or other means) of a signature on the document. The official name on the notary seal and the notary's official signature must be used exactly as the commissioned name on file with the Secretary of State's Office. The title "Notary Public" may be below or next to the notary's signature block. Above all, the notary who performs the notarization must be clearly identified by the title "notary public." See "Notary Public Signature" on page 7. or "Name Change" page 9.
- ☐ 12. AFFIX the "Notarial Seal." It is recommended that the notary seal be placed just below the notarial certificate and to the left, if possible. The notary should not stamp over signatures or other writing if possible. However, if there is insufficient space on a document to affix the notary seal, it is better to stamp over pre-printed language than to stamp over signatures.

Notary Journals and Notarial Transactions



A journal provides proof that a notary public performed a notarization.

The journal also verifies that the notary took the reasonable steps necessary to identify the signer of a document (see Satisfactory Evidence of Identity page 16).

Compliance: All notaries must maintain a notary journal of all official acts.

Failure to comply: Not maintaining a journal is a violation of A.R.S. § 41-319.

If a notary fails to comply with this requirement the Secretary of State may refuse, revoke, or suspend a notary public's commission.

PUBLIC VS. NON-PUBLIC RECORDS

A.R.S. § 41-319(E) specifies that if a notary performs both notarizations that are public records and those that are not public records, he or she may keep two journals – one for each type of notarization. If a notary only performs notarizations that are public record, the notary may only keep one journal.

REFUSAL OF NOTARIZATION

If a notary refuses a notarization for any reason, the notary should always make a notation in his or her journal about the refusal and the grounds for doing so in case legal action ensues over the refusal. There is no guarantee that a journal entry exonerates a notary every time, but a notary should be in the habit of documenting the reason for the refusal. Note: A hand-written document does not provide sufficient grounds for refusal of the notarization.

PUBLIC RECORDS AND A NOTARY JOURNAL

Most notary journals are public record. However, some are not. These include notary records that are confidential due to attorney/client privilege or state or federal law. Notarized statements and journal entries associated with the parental consent for abortion statutes under A.R.S. § 36-2152(A) are confidential and are not public records. These documents must not be disclosed in response to a public records request, and the contents must be kept confidential. [Note: The notarization requirement found in A.R.S. § 36-2152 was enjoined by order of the Maricopa County Superior Court on September 29, 2009, and therefore is currently NOT in effect. Please refer to our website, www.azsos.gov for updates as to how the ongoing litigation will affect the law related notaries.]

PUBLIC RECORDS REQUEST

Anyone can request a notary's journal records if the journal records are public records. The person making the request to view or have a record copied shall *provide the request in writing* and include:

- ☐ Month and year of the notarial act
- ☐ Name of the person whose signature was notarized
- ☐ The type of document or transaction

Request Refusal: If the person who makes the request has not done so in writing per A.R.S. § 41-319(F), or the request does not contain the necessary elements, the notary may refuse the person's request.

Request Compliance: If the requestor has met the requirements in A.R.S. § 41-319(F) the notary should provide the requestor with a copy the requested record within a reasonable amount of time.

Please Note: A notary shall not let the requestor view all journal entries. The notary shall only copy the transaction requested and cover the entries above and below before making a copy of the records. The notary public must furnish, when requested, a certified copy of any record in the notary public's journal [A.R.S. § 41-319(A)]. If a public records request has been made and the notary's journal has been relinquished to the Secretary of State's Office, the notary should turn the request over to the Secretary of State.

JOURNAL REQUIREMENTS



Purchase a notary journal that meets the requirements of the law (see pages 8 & 19).

JOURNAL SHARING IS PROHIBITED

Notaries may not share journals. Each notary commissioned in the state shall maintain his or her own journal.

JOURNAL USE FOR COURT REPORTERS

Court reporters who administer an oath or affirmation in a judicial proceeding are not required to obtain a signature in the reporter's journal (A.R.S. § 41-324). However, the journal must be used for all other notarizations performed.

REPLACING SEALS AND JOURNALS

Loss and theft of notary journals and seals are discussed on page 10.

JOURNAL RECORD RETENTION

Retention of journal records is discussed on page 9.

GROUPING ENTRIES

If a notary performs more than one notarization of the same type for a signer either on like documents or within the same document and at the same time, the notary may group the documents together & make one journal entry for the transaction.

LOGGING SIGNATURES

If a notary does more than one notarization for an individual within a six month period, the notary shall have the individual provide satisfactory evidence of identity the first time the notary performs the notarization for the individual but may not require satisfactory evidence of identity or the individual to sign the journal for subsequent notarizations performed for the individual during the six month period.

MILEAGE FEES

A notary public may charge a travel mileage, if he or she travels a distance to perform a notarization.

The travel mileage fee is the amount allowed Arizona state employees.

The Department of Administration determines the mileage fee through its General Accounting Office. The mileage fee schedule is posted at www.gao.az.gov/travel

REPORTING INCOME

Accepting a \$2 fee is earned income whether and must be reported on state and federal tax returns. Fees kept by the notary are reported by the notary. Fees kept by the employer are reported by the employer.

WORKPLACE FEE LIMITS

Companies and organizations who employ a notary public can request the notary public to charge the fees as set in the notary fees schedule. See R2-12-1102 Notary Public Fees on page 36. Companies and employers may not ask notaries public to charge more than the \$2 fee. This request violates Arizona rules. If a public or private entity employs a notary public the fees charged during normal work hours are the property of the employer.

FEES OUTSIDE THE WORKPLACE

Fees charged for notarial services outside the notary public's workplace remain the notary public's property. [A.R.S. § 41-312(C)(2)]

Journal Entries

Journal entries must include:

- ☐ The date of the notarial act
- ☐ A description of the document or type of notarial act (these are: acknowledgment, jurat, copy certification, and oath or affirmation).
Even though the law says a description of the document OR type of notarial act, the Secretary of State recommends the notary public fill in both fields if offered in the journal
- ☐ The printed full name, address, and signature of each person for whom a notarial act is performed. To ensure accurate documentation of identification information, the notary should record the signer's name and address in his or her journal as provided on the ID.
- ☐ The type of satisfactory evidence of identity presented to the notary by each person for whom a notarial act is performed. (refer to page 16 for information on the types of evidence that can be accepted)

- ☐ A description of the satisfactory evidence of identity provided, such as serial number, and issuance or expiration dates.
- ☐ The fee, if any, charged per signature. If not charging, it is recommended that the notary simply write "Ø."
- ☐ If the document is written in a foreign language, the notary public must be able to read enough of that language to describe the document in his or her journal to ensure he or she is not attesting to information outside the scope of his or her authority.

Journal entries may:

- ☐ Include the time of day of the notarization. This is not required under law, but is helpful when recalling a notarization.
- ☐ Include the thumbprint of a signer. Not all journals include an area for a thumbprint. A thumbprint is not required under Arizona law.

See page 40 for sample journal.

Exception: *If a notary has personal knowledge of the identity of a signer, the notary is not required to make a journal entry, but instead may keep a paper or electronic copy of the notarized document for each notarial act. A.R.S. § 41-319(B)*

Notary Fee Schedule



A NOTARY PUBLIC MAY:

- Charge less than the \$2 fee or up to \$2 per signature.
- Not charge fees.

Fees shall be set and be consistent. That is, the same fee should be charged for each notarization.

Courts: Superior justice courts have a different fee schedule. See the laws on page 31.

SERVICE OR TRANSACTION FEES

Service or transaction fees shall not be charged. Mileage fees can be charged (see above right).

Failure to comply (A.R.S. § 38-413): If an officer demands and receives a higher fee than prescribed by law, or any fee not so allowed, such officer shall be liable to the party aggrieved in an amount four (4) times the fee unlawfully demanded and received by him. An officer who violates this section is guilty of a class 5 felony. Overcharging fees or not being consistent with fee charges is a failure to comply with laws and rules.

Compliance (A.R.S. §§ 41-316): A notary can charge no more than \$2 per signature. Notary fees are set in rule (A.A.C. R2-12-1102). See the notary rules on page 37 and 38.

POSTING OF FEES

Compliance (A.R.S. § 38-412): Arizona law requires notaries public to post a schedule of fees in a conspicuous place.

Notarial Acts

Defined, Checklists and Samples

1. Acknowledgments A.R.S. § 41-311(1) ■■■■■■■■■■

An acknowledgment is a notarial act in which a notary certifies that a signer, whose identity is proven by satisfactory evidence, appeared before the notary and acknowledged that the signer signed the document.

- The signer acknowledges his or her signature; the notary verifies the signer's acknowledgment;
- The signer is not required to sign the document in the notary's presence for an acknowledgment;
- The signer may pre-sign the document or may choose to sign it in the notary's presence.
- Because the notary is attesting to the genuineness of the signature, the notary may not perform an acknowledgment that will be signed at a later time.
- Even if a document has been pre-signed, the document signer must be in the notary's presence at the time the notary performs the notarization.

Acknowledgment Checklist

- ☐ The signer must be in the notary's presence and present the document to the notary. If not, the notary must refuse the notarization.
- ☐ The notary verifies the type of notarization with the signer. If the act requested is not an acknowledgment, do not continue with this checklist. Instead, choose the notarial act check list for the type of notarization the signer is requesting.
- ☐ The signer must present satisfactory evidence of identity. If not, the notary must refuse the notarization.
- ☐ If a credible person is used, he or she must be placed under oath and swear or affirm that the signer has the identity claimed. (See oath sample #2 on page 25)
- ☐ The document presented can either be pre-signed or signed in the notary's presence. If pre-signed, the signer must acknowledge that he or she signed the document.
- ☐ Identify that the notarial certificate on the document is for an acknowledgement. The wording is "Acknowledged before me..."
- ☐ If the signer is requesting that an acknowledgment be performed, but the document does not contain a notarial certificate with language for an acknowledgement, a notary may use the sample acknowledgment wording on page 22 or the attach acknowledgement certificate sample on page 49.
- ☐ The notary makes a complete journal entry, describing the document in detail. If the document is written in a foreign language and the notary does not have a general understanding of the language, the notary can reserve the right to refuse the notarization. The notary fills out his or her journal with the signer's satisfactory evidence presented.
- ☐ The signer signs the notary's journal.
- ☐ If a credible person is used, the credible person signs the notary's journal.
- ☐ If the document was pre-signed the notary should compare the journal signature against the signature on the document.
- ☐ If the document has not yet been signed, upon verifying the signer's identity the notary should have the signer sign the document.
- ☐ If the signatures look similar, the notary completes the acknowledgment by reading the notarial certificate language.

Acknowledgment Checklist continued on next page

THE LANGUAGE IS THE KEY TO A PROPER NOTARIZATION



Always read the notarial language on documents. The pre-printed language will tell the notary public what type of notarization is to be performed.

Be aware that the document may have been prepared in a different state or jurisdiction, and the pre-printed language may not be proper in Arizona.

If any part of the notarial certificate is incorrect, the notary public should either cross out and initial the incorrect words with ink or cross out the entire wording and type or write in the correct wording.

Do not attempt to erase or use correction fluid or tape.

All changes should be initialed.

A WORD ABOUT JURATS AND ACKNOWLEDGMENTS

Acknowledgments may be signed in advanced, but, as with all notarizations, the signer must appear before the notary and present satisfactory evidence of identity.

With a jurat, the signer must be placed under oath by the Notary, and then they must sign the document in the Notary's presence.

ATTACH CERTIFICATE

A notary may use an additional sheet of paper to attach the notarial certificate to a document if there is no room left on the document.

If the notary attaches a certificate, the notary should title the page with the words "Notarial Acknowledgement", "Notarial Jurat", or Copy Certification.

The notary must also describe the attached document on the page containing the notarial certificate in as great of detail as possible, in order to prevent someone from attaching the attach certificate it to a different document.

The description must include at a minimum:

- Type/Title of Document
- Document Date
- Number of pages attached
- Any additional signers other than those listed in the notarial certificate.

The office also recommends that document pages be numbered, such as "1 of 1" or "1 of 2," etc.

Caution: While a notary might be inclined to affix his or her seal to all pages in a packet, the seal should only be affixed on the page with the notarial certificate. If the notary wants, he or she may use an embossing seal on the additional pages or simply initial the attached pages in order to indicate that those pages were part of the packet presented to them, but they should not affix their notary seal to the pages without a notarial certificate.

Acknowledgment Checklist continued from page 21

- ☐ If any notarial language is incorrect, the notary shall cross it out, and write the corrected information above it and initial the changes.
- ☐ The notary fills in ALL blanks on the notarial certificate.
- ☐ The notary signs the notarial certificate, attesting that the signature of the signer is genuine and also that the notarial language is correct.
- ☐ The notary affixes his or her notary seal. The seal generally is affixed to the left of the signature. If the seal is illegible, the notary should strike through and initial it and affix his or her seal again.
- ☐ If an attach certificate is necessary see left column for necessary elements and page 51 for a sample.

ACKNOWLEDGEMENT SAMPLE:

State of Arizona)

)

County of _____)

[Arizona County]

On this _____ day of _____, 20____, before me personally
[Day] [Month] [Year]

appeared _____, whose identity was proven

[Name of Signer]

to me on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

(seal)

[Affix notary seal here]

Notary Public _____
[Notary's Signature]

2. Jurats A.R.S. 41 § 311(6)

A jurat is a notarial act in which the notary certifies that a signer, whose identity is proven by satisfactory evidence, has:

- Made in the notary's presence a voluntary signature; and has
- Taken an oath or affirmation vouching for the truthfulness of the signed document. Some states refer to this type of notarization as an affidavit.

A notary shall perform a jurat anytime the words:

- sworn to (or affirmed) before me
- subscribed and sworn to (or affirmed), or similar words appear in the notarial certificate.
- Because a signer is swearing or affirming that the information is true, blank spaces in the document are prohibited. [A.R.S. § 41-328(A)].

Jurat Check List

- ☐ The notary verifies the type of notarization with the signer. If it is not a jurat, do not continue with this check list. Instead, use the notarial act check list for the type of notarization the signer is requesting.
- ☐ The signer must present satisfactory evidence of identity. If not, the notary must refuse the notarization.

Jurat Checklist continued on next page

Jurat Checklist continued from page 22

- ☐ If a credible person is used, he or she must be placed under oath and swear or affirm that the signer has the identity claimed. (See oath sample #2 pg. 25)
- ☐ The notary makes a complete journal entry, describing the document in detail. If the document is written in a foreign language and the notary does not have a general understanding of the language, the notary must refuse the notarization. The notary fills out his or her journal with the signer's satisfactory evidence presented.
- ☐ The signer signs the notary journal.
- ☐ If a credible person is used, the credible person also signs the notary journal.
- ☐ If there are any blanks in the document, the notary must either have the signer fill in the information or use "n/a" (not applicable) as appropriate. A jurat may not be performed if there are blanks in the document.
- ☐ The signer must be placed under oath swearing or affirming that the contents of the document are true and correct. (See oath sample #1 on page 24)
- ☐ The Notary witnesses the signer sign the document to be notarized.
- ☐ If any notarial certificate language information is incorrect, the notary should cross out the language, write the corrected information above it and initial the changes.
- ☐ The notary then fills in ALL blanks on the notarial certificate.
- ☐ The notary signs the notarial certificate. This signature means the notary public is not only attesting that the signature of the signer is genuine but also that the notarial language is correct.
- ☐ The notary affixes his or her notary seal. The seal generally is affixed to the left of the signature.
- ☐ If an attach certificate is necessary please see page 22 side bar for requisite elements and page 53 for a sample.

JURAT SAMPLE:

State of Arizona)
County of _____)
[Arizona County]

Subscribed and sworn (or affirmed) before me this _____ day _____, 20____
by _____.
[Day] [Month] [Year]
[Name of Signer]

(seal)

[Affix notary seal here]

Notary Public [Notary's Signature]

[illegible]

A copy certification is a notarial act in which the notary certifies that a photocopy of an original document was made that is neither a public record nor publicly recordable. The notary must have access to a copy machine. See page 23 for information on how to obtain a certified copy of a publicly recordable document.

Examples of publicly recordable documents not able to be copy certified by an Arizona notary public are:

- Marriage Records
- Birth Certificates
- Death Certificates
- Divorce Records
- Court Records
- Real Estate Deeds

NOTE: Some recorded documents have the words “filed” or “received” stamped on them.

APOSTILLES AND CERTIFICATES OF AUTHENTICATION

The Arizona Secretary of State's Office is tasked with issuing apostilles and certificates of authentication. Arizona notaries do not have the authority to perform these certifications.

An Apostille (ah-po-steal) certifies another document for foreign use in countries belonging to the "Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents." A Certificate of Authentication is used for countries not belonging to the Hague Convention (A.R.S. § 41-325). The Hague Convention dictates the apostille form which is uniform among all subscribing countries (A.R.S. § 41-326).

A list of these countries is available online at www.hcch.net. Choose “specialised sections,” and then “Apostille section.”

If a country is not a party to the Convention, documents being sent there receive a Certificate of Authentication issued by the Secretary of State's Office. Certificates of Authentication, unlike Apostilles, vary in format from country to country and from jurisdiction to jurisdiction.

A person who requests an Apostille or a Certificate of Authentication needs to contact the Secretary of State's Office.

The Secretary of State's Office is the only office in Arizona authorized to issue a certificate of authentication or apostille for a document going to a foreign country.

A copy certification is not the same as an Apostille or Certificate of Authentication. See page 22 for more information about these certifications. A notary may not issue apostilles or certificates of authentication.

KEEPING COPIES OF NOTARIZATIONS

Notaries public are not required to keep copies of all notarizations.

If a notary personally knows the signer and the notary keeps a paper or electronic copy of the notarized document, it is not necessary to make a journal entry also. If the notary does not wish to retain a paper or electronic copy of the notarized document, he or she may make a journal entry instead.

If a notary does not know the person personally, he or she must make a journal entry of the notarization [A.R.S. § 41-319(B)] and may not merely keep a copy of the document as record of the transaction.

The office recommends keeping a journal entry regardless of whether a paper copy is kept of the notarization.

GROUPING JOURNAL ENTRIES

If a notary performs more than one notarization of the same type for a signer either on like documents or within the same document and at the same time, the notary may group the documents together and make one journal entry for the transaction. [A.R.S. § 41-319(D)].

REPETITIVE JOURNAL ENTRIES

If a notary repeatedly notarizes for the same person a journal entry must be made for every notarization.

However, the people for whom the notary is performing the notarization shall only present satisfactory evidence of identity and sign the notary's journal once every six months [A.R.S. § 41-319(C)].

Copy Certification Checklist continued from page 23

- ☐ If the notary does not have access to a copy machine the notary must not perform the copy certification.
- ☐ If the notary has access to a copy machine, they must verify the document presented is an original document. A copy certification cannot be performed on copies of a document or a certified copy. If the document presented is not an original, the notary must refuse the copy certification.
- ☐ The notary confirms that the original document presented is not a public record nor is it publicly recordable. If the document presented is a public record or is publicly recordable, the notary must refuse the notarization as a copy certification. (See publically recordable documents at bottom of pg.22)
- ☐ The notary fills out the journal with the requestor's satisfactory evidence presented.
- ☐ If a credible person is used, he or she must be placed under oath and swear or affirm that the signer has the identity claimed. (See oath sample #2 pg.24)
- ☐ The requestor signs the notary's journal.
- ☐ If a credible person is used, the credible person also signs the notary journal.
- ☐ The notary copies the document.
- ☐ The notary writes or types, on the face of each copy, the notarial language from the sample below.
- ☐ The notary completes the notarial certificates.
- ☐ The notary signs the notarial certificates.
- ☐ The notary affixes his or her notary seal. The seal generally is affixed to the left of the signature [A.R.S. § 41-311(3)].
- ☐ If an attach certificate is necessary please see pg. 21 side bar for required elements and the end of this book for an example.

COPY CERTIFICATION SAMPLE:

State of Arizona)
County of _____)
[Arizona County]

I, _____, a notary public, do certify that, on
[Name of Notary performing the certification]
the _____ day of _____, 20____, I personally made the
[Day] [Month] [Year]
above/attached copy of _____ from the
[Document Title]

original, and it is a true, exact, complete, and unaltered copy.

(seal)

[Affix notary seal here]

Notary Public

[Notary's Signature]

PUBLICLY RECORDABLE DOCUMENTS

If an individual needs a certified copy of a document that is public record or publicly recordable, they may obtain one by contacting the appropriate agency or issuing entity. Some examples might include:

DOCUMENT	ISSUING ENTITY
Marriage and Divorce Records	Clerk of the Superior Court
Birth or Death Certificates	Office of Vital Records
Court Records	The court where the proceedings transpired
Real Estate Deeds	County Recorder's Office

4. Oaths or Affirmations A.R.S. 41 § 311(10) ■■■■■■

During notarizations a notary may be required to give a signer or credible person an oath or affirmation.

The signer or credible person makes the decision as to whether he or she would like to take an oath or an affirmation.

- An oath means the signer or credible person is swearing to a supreme being, for example, God.
- An affirmation is taken when the signer or credible person does not believe in a supreme being, or does not want to swear to a supreme being.

A violation of either an oath or an affirmation constitutes perjury.

Oath Checklist

A notary should ask the signer or credible person to:

- ☐ Raise his or her right hand. If for any reason a right hand cannot be raised, then the signer shall raise their left hand. If for any reason a left hand also cannot be raised, then the oath or affirmation should be given as follows:

Ask the signer or credible person to either:

1. Repeat the oath statement as stated in the sample oaths
- OR
2. Answer the question as stated in the sample oaths

- ☐ The notary shall record the transaction in his or her journal and fill out the journal with the signer's satisfactory evidence of identity.
- ☐ The requestor signs the notary's journal. If a credible person is used, the credible person must also sign the journal.

OATH SAMPLE #1 - JURAT

Choose one:

- ☐ Please repeat the oath statement, by either swearing or affirming:
"I, [insert signer's name], swear or affirm that the contents of this document are true and correct."
- ☐ Please answer the oath question with "I do swear" or "I do affirm"
"Do you swear or affirm that the contents of this document are true and correct?"

OATH SAMPLE #2 - CREDIBLE PERSON

Choose one:

- ☐ Please repeat the oath statement, by either swearing or affirming:
"I, [insert credible person's name], [swear or affirm] that the person appearing before you and who signed this document in your presence is the person that he or she claims to be."
- ☐ Please answer the oath question with "I do swear" or "I do affirm"
"Do you swear or affirm that that the person appearing before me and who signed this document in my presence is the person he or she claims to be?"

REQUESTS FOR DOCUMENT PREPARATION

The office recommends that an Arizona notary public not prepare a document to be notarized.

Unless the notary is an attorney or a certified legal document preparer, the notary should not prepare documents.

Even if the notary is an attorney or a certified legal document preparer, notarizing a document that the notary prepared casts doubt on the impartiality of the notarization.

Visit the website of the Arizona Judicial Branch at www.azcourts.gov for information about the Legal Document Preparer Program.

E-mail: LDP@courts.az.gov

RELATIONSHIP TO BLOOD RELATIVES

Compliance [A.R.S. § 41-328(B)]: Arizona law states notaries cannot notarize for anyone related to the notary by marriage or adoption.

The law also states that a notary is an impartial witness.

The provision specifying that you cannot notarize for anyone related to you by marriage or adoption does allow notaries to notarize for a brother or sister but not a brother-in-law or sister-in-law.

Many courts have found that a sibling relationship implies some type of financial or beneficial interest in transactions involving other family members thereby negating an argument for impartiality.

Just because the law allows a notary public to notarize for blood relatives, it is not a recommended action.

ARIZONA REVISED STATUTES

Title 41. State Government

Chapter 2. Administrative Officers

Article 2. Notaries Public

§ 41-311. Definitions

In this article, unless the context otherwise requires:

1. "Acknowledgment" means a notarial act in which a notary certifies that a signer, whose identity is proven by satisfactory evidence, appeared before the notary and acknowledged that the signer signed the document.
2. "Commission" means to authorize to perform notarial acts and the written authority to perform those acts.
3. "Copy certification" means a notarial act in which the notary certifies that the notary has made a photocopy of an original document that is neither a public record nor publicly recordable.
4. "Incomplete document" means a document that has not been signed where a signature line is provided or where other obvious blanks appear in the document or that lacks a notarial certificate.
5. "Jurat" means a notarial act in which the notary certifies that a signer, whose identity is proven by satisfactory evidence, has made in the notary's presence a voluntary signature and has taken an oath or affirmation vouching for the truthfulness of the signed document.
6. "Notarial act" or "notarization" means any act that a notary is authorized to perform under section 41-313.
7. "Notarial certificate" or "certificate" means the part of or attachment to a notarized document for completion by the notary that bears the notary's signature and seal and states the venue, date, and facts that are attested by the notary in a particular notarization.
8. "Notary public" or "notary" means any person commissioned to perform notarial acts under this article.
9. "Oath" or "affirmation" means a notarial act or part of a notarial act in which a person made a vow in the presence of the notary under penalty of perjury, with reference made to a supreme being in the case of an oath.
10. "Personal knowledge" means familiarity with an individual resulting from interactions with that individual over a sufficient time to eliminate reasonable doubt that the individual has the identity claimed
11. "Satisfactory evidence of identity" means:
 - (a) Proof of identity is evidenced by one of the following:
 - (i) An unexpired driver license that is issued by a state or territory of the United States.
 - (ii) An unexpired passport that is issued by the United States Department of State.
 - (iii) An unexpired identification card that is issued by any branch of the United States Armed Forces.

(iv) Any other unexpired identification card that is issued by the United States government or a state or tribal government, that contains the individual's photograph, signature and physical description that contains the individual's height, weight, color of hair and color of eyes.

(v) The oath or affirmation of a credible person who is personally known to the notary and who personally knows the individual.

(vi) The oath or affirmation of a credible person who personally knows the individual and who provides satisfactory evidence of identity pursuant to item (i), (ii), (iii), or (iv) of this subdivision.

(vii) Personal knowledge of the individual by the notary.

(b) In addition to subdivision (a), for the purposes of real estate conveyance or financing proof of identity may be evidenced by one of the following:

(i) A valid unexpired passport that is issued by the United States government.

(ii) A valid unexpired passport that is issued by a national government other than the United States government and that is accompanied by a valid unexpired visa or other documentation that is issued by the United State government and that is necessary to establish an individual's legal presence in the United States.

(iii) Any other valid unexpired identification that is deemed acceptable by the United States Department of Homeland Security to establish an individual's legal presence in the United States and that is accompanied with supporting documents as required by the United States Department of Homeland Security.

12. "Venue" means this state and county where a notarial act occurs.

§ 41-312. Appointment; term; oath and bond

A. The secretary of state may appoint notaries public in each county to hold office for four years who shall have jurisdiction in the county in which they reside and in which they are appointed. Acknowledgments of documents may be taken and executed and oaths may be administered by a notary public in any county of the state although the commission is issued to the notary public in and for another county.

B. The secretary of state shall give notice of the appointment to the person appointed who shall take, within twenty days after receiving such notice, the oath prescribed by law and give a bond, with sureties approved by the state, in an amount prescribed by the secretary of state and file it with the secretary of state. On filing the official oath and bond the secretary of state shall deliver the commission to such person.

C. A notary public is a public officer commissioned by this state and the following apply without regard to whether the notary public's employer or any other person has paid the fees and costs for the commissioning of the notary public, including costs for the official seal and journals:

1. A notary public's official seal and commission and any journal that contains only public record entries remain the property of the notary public.

2. A notary public may perform notarizations outside the workplace of the notary's employer except during those times normally designated as the notary public's hours of duty for that employer. All fees received by a notary public for notarial services provided while not on duty remain the property of the notary public.

3. An employer of a notary public shall not limit the notary public's services to customers or other persons designated by the employer.

D. A notary public shall continue to serve until the notary public's commission expires, the notary public resigns the commission, the notary public dies or the secretary of state revokes the commission. An employer may not cancel the notary bond or notary commission of any notary public who is an employee and who leaves that employment.

E. A notary public shall comply with all of the following:

1. Be at least eighteen years of age.

2. Be a citizen or a legal permanent resident of the United States.

3. Be a resident of this state for income tax purposes and claim the individual's residence in this state as the individual's primary residence on state and federal tax returns.

4. Except as provided in section 41-330, subsection A, paragraph 2, never have been convicted of a felony.

5. Keep as a reference a manual that is approved by the secretary of state and that describes the duties, authority and ethical responsibilities of notaries public.

6. Be able to read and write English.

F. An applicant for appointment and commission as a notary public shall complete an application form prescribed by the secretary of state. Except for the applicant's name and business address, all information on the application is confidential and may not be disclosed to any person other than the applicant, the applicant's personal representative or an employee or officer of the federal, state or local government who is acting in an official capacity. The secretary of state shall use the information contained on the application only for carrying out the purposes of this article.

G. This state or any of its political subdivisions may pay the fees and costs for the commissioning of a notary public who is an employee of this state or any of its political subdivisions and who performs notarial services in the course of the notary public's employment or for the convenience of public employees.

H. The secretary of state may require that applicants attend and suspended notaries present proof of attendance at a notary training course before receiving their commissions or before reinstatement of a suspended commission. and Notaries Any applicant who is required to attend a notary training course must complete the training within ninety days before renewing their commissions. The secretary of state may assess a fee prescribed by the secretary of state for administering

notary training courses. The secretary of state shall deposit the fees collected in the notary education fund established by section 41-332.

§ 41-313. Duties

A. Notaries public shall perform the following notarial acts, when requested:

1. Take acknowledgments and give certificates of the acknowledgments endorsed on or attached to the instrument.

2. Administer oaths and affirmations.

3. Perform jurats.

4. Perform copy certification.

B. Notaries public shall perform the notarial acts prescribed in subsection A of this section only if:

1. The signer is in the presence of the notary at the time of notarization.

2. The signer signs in a language that the notary understands.

3. Subject to subsection D, the signer communicates directly with the notary in a language they both understand or indirectly through a translator who is physically present with the signer and notary at the time of the notarization and communicates directly with the signer and the notary in languages the translator understands.

4. The notarial certificate is worded and completed using only letters, characters and a language that are read, written and understood by the notary public.

C. If a notary attaches a notarial certificate to a document using a separate sheet of paper, the attachment must contain a description of the document that includes at a minimum the title or type of document, the document date, the number of pages of the document and any additional signers other than those named in the notarial certificate.

D. A notary may perform a notarial act on a document that is a translation of a document that is in a language that the notary does not understand only if the person performing the translation signs an affidavit containing an oath or affirmation that the translation is accurate and complete. The notarized translation and affidavit shall be attached to the document and shall contain all of the elements described in subsection C.

E. Notaries public shall:

1. Keep, maintain and protect as a public record a journal of all official acts performed by the notary as described in section 41-319.

2. Provide and keep the official seal that is imprinted in dark ink with the words "notary public", the name of the county in which the notary is commissioned, the name of the notary as it appears on the notarial application, the great seal of the state of Arizona and the expiration date of the notarial commission.

3. Authenticate with the official seal all official acts on every certificate or acknowledgment signed and sealed by the notary.

4. Respond to any requests for information and comply with any investigations that are initiated by the secretary of state or the attorney general.

§ 41-314. Notary bond fund; purpose; exemption

A. The notary bond fund is established consisting of monies received pursuant to section 41-178.

B. The secretary of state shall administer the fund and spend monies in the fund in order to defray the cost of the secretary of state's office assuming the responsibilities associated with the processing and administration of notary bonds.

C. On notice from the secretary of state, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

D. Monies in the fund are continuously appropriated and exempt from the provisions of section 35-190 relating to lapsing of appropriations.

§ 41-315. Bond

A. A person who has been commissioned as a notary shall file with the secretary of state an oath of office and a bond in an amount prescribed by the secretary of state in order for the commission to become effective. A licensed surety shall execute the bond. The bond shall be effective for four years beginning on the commission's effective date.

B. The secretary of state shall not accept any bond that was issued more than sixty days before or more than thirty days after the date on which the secretary of state commissions a notary.

§ 41-316. Fees

A. The secretary of state shall establish fees that notaries public may charge for notarial acts. These fees shall be established by rules adopted pursuant to chapter 6 of this title.

B. Notaries public may be paid an amount up to the amount authorized for mileage expenses and per diem subsistence for state employees as prescribed by title 38, chapter 4, article 2.

C. A notary shall not advertise or charge or receive a fee for performing a notarial act except as specifically authorized by rule.

§ 41-317. Delivering notary seal, notarial journal and records; failure to comply; storing records; certified copies

A. On the resignation or revocation of a notarial commission or the death of a notary, the notary seal, notarial journal and records, except those records of notarial acts that are not public record, shall be delivered by certified mail or other means providing a receipt to the secretary of state. If a notary does not apply for reappointment, on expiration of the notarial commission the notary seal, journal and records shall be delivered to

the secretary of state as required for resignation under this subsection. A notary who neglects for three months thereafter to deposit such records, seal and papers, or the personal representative of a deceased notary who neglects for three months after his appointment to deposit such records, seal and papers, shall forfeit to the state not less than fifty nor more than five hundred dollars.

B. While a notary public is commissioned, a notary public shall keep all records and journals of the notary's acts for at least five years after the date the notarial act was performed. On receipt of the records and journals from a notary public who no longer is commissioned, the secretary of state shall keep all records and journals of notaries public deposited in the secretary of state's office for five years and shall give certified copies thereof when required, and for the copy certifications the secretary of state shall receive the same fees as are by law allowed to notaries public. The copy certifications shall be as valid and effectual as if given by a notary public.

§ 41-318. Wilful destruction of records; penalty

Any person who knowingly destroys, defaces or conceals any journal entry or records belonging to the office of a notary public shall forfeit to the state an amount not exceeding five hundred dollars and shall be liable for damages to any party injured thereby.

§ 41-319. Journal

A. The notary shall keep a paper journal and, except as prescribed by subsection E, shall keep only one journal at a time. The notary shall record all notarial acts in chronological order. The notary shall furnish, when requested, a certified copy of any public record in the notary's journal. Records of notarial acts that violate the attorney-client privilege or that are confidential pursuant to federal or state law are not a public record. Each journal entry shall include at least:

1. The date of the notarial act.
2. A description of the document or type of notarial act.
3. The printed full name, signature and address of each person for whom a notarial act is performed.
4. The type of satisfactory evidence of identity presented to the notary by each person for whom a notarial act is performed, if other than the notary's personal knowledge of the individual is used as satisfactory evidence of identity.
5. A description of the identification document, its serial or identification number and its date of issuance or expiration.
6. The fee, if any, charged for the notarial act.

B. If a notary has personal knowledge of the identity of a signer, the requirements of subsection A, paragraphs 1 through 5 may be satisfied by the notary retaining a paper or electronic copy of the notarized documents for each notarial act.

C. If a notary does more than one notarization for an individual within a six month period, the notary shall

have the individual provide satisfactory evidence of identity the first time the notary performs the notarization for the individual but may not require satisfactory evidence of identity or the individual to sign the journal for subsequent notarizations performed for the individual during the six month period.

D. If a notary performs more than one notarization of the same type for a signer either on like documents or within the same document and at the same time, the notary may group the documents together and make one journal entry for the transaction.

E. If one or more entries in a notary public's journal are not public records, the notary public may keep one journal that contains entries that are not public records and one journal that contains entries that are public records. A notary public's journal that contains entries that are not public records is the property of the employer of that notary public and shall be retained by that employer if the notary public leaves that employment. A notary public's journal that contains only public records is the property of the notary public without regard to whether the notary public's employer purchased the journal or provided the fees for the commissioning of the notary public.

F. Except as provided in subsections A and E, the notary's journal is a public record that may be viewed by or copied for any member of the public, but only upon presentation to the notary of a written request that details the month and year of the notarial act, the name of the person whose signature was notarized and the type of document or transaction.

§ 41-320. Competency of bank and corporation notaries

A. It is lawful for a notary public who is a stockholder, director, officer or employee of a corporation to take the acknowledgment or oath of any party to any written instrument executed to or by the corporation, or to administer an oath to any other stockholder, director, officer, employee or agent of the corporation, or to protest for nonacceptance or nonpayment of bills of exchange, drafts, checks, notes and other negotiable instruments which may be owned or held for collection by the corporation.

B. It is unlawful for any notary public to take the acknowledgment of an instrument executed by or to a corporation of which he is a stockholder, director, officer or employee, where the notary is a party to the instrument, either individually or as a representative of the corporation, or to protest any negotiable instrument owned or held for collection by the corporation, where the notary is individually a party to the instrument.

§ 41-321. Obtaining a seal; violation; classification

A. A vendor of notary seals may not provide an official seal to a person unless the person presents a photocopy of the person's notarial commission. The vendor shall retain the photocopy for four years.

B. A notary public's official seal may be any shape and shall produce a stamped seal that is no more than one and one-half inches high and two and one-half inches wide. A notary public may possess only one official seal but may also possess and use an embossing seal that may be used only in conjunction with the notary public's official seal. An embossing seal is not an official seal of a notary public.

C. A person who violates this section is guilty of a class 3 misdemeanor.

§ 41-322. Authentication of authority of officer for foreign notarizations

A. If a notarial act is performed by any of the persons described in section 33-501, paragraphs 1 through 4, other than a person authorized to perform notarial acts by the laws or regulations of a foreign country, the signature, rank or title and serial number, if any, of the person is sufficient proof of the authority of the person to perform the act. Further proof of the person's authority is not required.

B. If a notarial act is performed by a person authorized by the laws or regulations of a foreign country to perform the act, any of the following is sufficient proof of the authority of the person to perform the act:

1. Certification by a foreign service officer of the United States resident in the country in which the notarial act is performed or a diplomatic or consular officer of the foreign country resident in the United States that a person who holds the office that the person holds is authorized to perform notarial acts.

2. Affixation to the notarized document of the official seal of the person performing the notarial act.

3. The appearance either in a digest of foreign law or in a list that is customarily used as a source of such information of the title and the indication of authority to perform notarial acts of the person.

C. If a notarial act is performed by a person other than a person described in subsections A and B of this section, sufficient proof of the authority of the person to act exists if the secretary of state certifies to the official character of the person and to the person's authority to perform the notarial act.

D. The signature and title of a person performing a notarial act are prima facie evidence that the person is a person with the designated title and that the signature is genuine.

§ 41-323. Change of address; lost journal or seal; civil penalty

A. Within thirty days after the change of a notary's mailing business or residential address, the notary shall deliver to the secretary of state, by certified mail or other means providing a receipt, a signed notice of the change that provides both the old and new addresses.

B. Within ten days after the loss or theft of an official journal or seal, the notary shall deliver to the secretary of state, by certified mail or other means providing a

receipt, a signed notice of the loss or theft. The notary also shall inform the appropriate law enforcement agency in the case of theft.

C. If a notary fails to comply with subsection A or B, the notary has failed to fully and faithfully discharge the duties of a notary and the secretary of state may impose a civil penalty of twenty-five dollars against the notary. The notary shall pay any civil penalty imposed by the secretary of state pursuant to this subsection before the renewal of the notary's commission.

§ 41-324. Court reporters; notarial acts

- A. Court reporters who administer oaths and affirmations in judicial proceedings are exempt from the provisions of this chapter other than section 41-315. Court reporters who are commissioned as notaries and who perform notarial acts outside of judicial proceedings are subject to all provisions of this chapter and of other laws of this state that regulate notaries public.
- B. A court reporter who prepares a transcript of a judicial proceeding shall attach a certificate page to the transcript. On the certificate page, the court reporter shall attest to the fact that the reporter administered an oath or affirmation to each witness whose testimony appears in the transcript.
- C. An affidavit of nonappearance that is prepared by a court reporter does not need to be witnessed by a notary.

§ 41-325. Evidence of authenticity of a notarial act performed in this state

- A. The authenticity of the official notarial seal and signature of a notary may be evidenced by either:
1. A certificate of authority from the secretary of state authenticated as necessary.
 2. An apostille from the secretary of state in the form prescribed by the Hague convention of October 5, 1961 abolishing the requirement of legalization of foreign public documents.
- B. An apostille as specified by the Hague convention shall be attached to any document that requires authentication and that is sent to a nation that has signed and ratified this convention.

§ 41-326. Apostille

An apostille prescribed by the Hague convention, as cited in 28 United States Code in annotations to rule 44 of the federal rules of civil procedure, shall be in the form of a square with sides at least nine centimeters long and shall contain exactly the following wording:

Apostille

(Convention de la haye du 5 Octobre 1961)

1. Country:

-
- This public document
2. Has been signed by
-

3. Acting in the capacity of

4. Bears the seal/stamp of

Certified

5. At

6. The

7. By

8. No.

9. Seal/stamp

10. Signature

§ 41-327. Surname change; notification; continuation of commission

A notary public who has a change of surname may continue to use the official seal and commission in the notary public's prior name until that commission expires. The notary shall sign the changed surname on the line that is designated for the notary public's signature on the notarial certificate. Immediately below that signature, the notary public shall sign the name under which the notary was commissioned. The notary public shall notify the secretary of state's office within thirty days of the notary's change of surname. Failure to notify the secretary of state of this change of surname is evidence of the notary's failure to fully and faithfully discharge the duties of a notary.

§ 41-328. Prohibited conduct; incomplete documents; signatures of relatives

- A. A notary public shall not perform a jurat on a document that is incomplete. If a notary public is presented with a document that the notary knows from experience to be incomplete or if the document on its face is incomplete the notary public shall refuse to perform the jurat.
- B. A notary public is an impartial witness and shall not notarize the notary's own signature or the signatures of any person who is related by marriage or adoption.
- C. Subject to section 41-320, a notary public shall not perform a notarization on a document if the notary is an officer of any named party, if the notary is a party to the document or if the notary will receive any direct material benefit from the transaction that is evidenced by the notarized document that exceeds in value the fees prescribed pursuant to section 41-316.

§ 41-329. Notary public title; foreign language; violation; classification

A. Every notary public who is not an attorney who advertises, by any written or verbal means, the services of a notary public in a language other than English, with the exception of a single desk plaque, shall post or otherwise include with the advertisement a notice in English and the other language. The notice shall be of conspicuous size, if in writing, and shall state: "I am not

an attorney and cannot give legal advice about immigration or any other legal matters."

B. A notary public who violates subsection A of this section is guilty of a class 6 felony and the notary public's commission shall be permanently revoked.

§ 41-330. Grounds for refusal, revocation or suspension of commission

A. The secretary of state may refuse to appoint any person as a notary public or may revoke or suspend the commission of any notary public for any of the following reasons:

1. Substantial and material misstatement or omission in the application for a notary public commission that is submitted to the secretary of state.
2. Conviction of a felony unless restored to civil rights, or of a lesser offense involving moral turpitude or of a nature that is incompatible with the duties of a notary public. A conviction after a plea of no contest is deemed to be a conviction for purposes of this paragraph.
3. Revocation, suspension, restriction or denial of a professional license if that action was for misconduct, dishonesty or any cause that substantially relates to the duties or responsibilities of a notary public.
4. Failure to discharge fully and faithfully any of the duties or responsibilities required of a notary public.
5. The use of false or misleading advertising in which the notary public has represented that the notary public has duties, rights or privileges that the notary public does not possess by law.
6. Charging more than the fees authorized by statute or rule.
7. The commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit the notary public or another person or to substantially injure another person.
8. Failure to complete the acknowledgment or jurat at the time the notary's signature and seal are affixed to the document.
9. Failure to administer the oath or affirmation required at the time of performing a jurat for an individual.
10. Execution of any notarial certificate by the notary public containing a statement known by the notary public to be false.
11. The return for insufficient funds or any other reason for nonpayment of a check issued for the bond filing fees or the application fees to the secretary of state.
12. Notarizing a document that contains no notarial certificate.

B. If an application is denied the secretary of state shall notify the applicant within thirty days after receipt of the application and shall state the reasons for the denial.

C. The secretary of state may suspend the commission of a notary for at least thirty days and for not more than one hundred eighty days.

D. If a person has had a notary commission in this state revoked, the secretary of state may refuse to again appoint the person as a notary public for an indefinite period of time.

E. On revocation or suspension of a notary public's commission, the secretary of state shall give notice to the notary public and shall provide the person with notice of the opportunity for a hearing on the revocation or suspension pursuant to chapter 6, article 10 of this title. The revocation or suspension of a notary public commission is an appealable agency action.

§ 41-331. Complaints; investigations

A. Any person may make a complaint to the office of the secretary of state regarding a notary public. The secretary of state shall receive any complaints and shall provide notice of those complaints to the office of the attorney general who shall investigate and take action on all complaints involving allegations of any violations of this article.

B. A notary's failure to respond to an investigation is a failure by the notary to fully and faithfully discharge the responsibilities and duties of a notary.

§ 41-332. Notary education fund

The Notary education fund is established consisting of monies deposited pursuant to sections 41-312 and 41-353. The secretary of state shall administer the fund. Monies in the fund are subject to legislative appropriation.

ARIZONA REVISED STATUTES

Title 10. Corporations and Associations

Chapter 19. Corporations and Associations Not for Profit

Article 2. Electric Cooperative Nonprofit Membership Corporations

§ 10-2082. Taking of acknowledgments by officer or member

A person authorized to take acknowledgments under the laws of this state shall not be disqualified from taking acknowledgments of instruments executed in favor of a cooperative or to which it is a party, by reason of being an officer, director or member of the cooperative.

ARIZONA REVISED STATUTES

Title 12. Courts and Civil Proceedings

Chapter 2. Judicial Officers and Employees

Article 8. Clerk of Superior Court

§ 12-284 Fees.

A. Except as otherwise provided by law, the clerk of the superior court shall receive fees classified as follows:

Class	Description	Fee
G.	Special Fees	
	Notary services	7.00

ARIZONA REVISED STATUTES

Title 14. Trusts, Estates and Protective Proceeding

Chapter 5. Protection of Persons under Disability and their Property

Article 5. Powers of Attorney

§ 14-5501. Durable power of attorney; creation; validity

A. A durable power of attorney is a written instrument by which a principal designates another person as the principal's agent. The instrument shall contain words that demonstrate the principal's intent that the authority conferred in the durable power of attorney may be exercised:

1. If the principal is subsequently disabled or incapacitated.
2. Regardless of how much time has elapsed, unless the instrument states a definite termination time.

B. The written instrument may demonstrate the principal's intent required by subsection A of this section using either of the following statements or similar language:

1. "This power of attorney is not affected by subsequent disability or incapacity of the principal or lapse of time."
2. "This power of attorney is effective on the disability or incapacity of the principal."

C. A power of attorney executed in another jurisdiction of the United States is valid in this state if the power of attorney was validly executed in the jurisdiction in which it was created.

D. From and after August 1, 1998, except as provided in section 28-370, an adult, known as the principal, may designate another adult, known as the agent, to make financial decisions on the principal's behalf by executing a written power of attorney that satisfies all of the following requirements:

1. Contains language that clearly indicates that the principal intends to create a power of attorney and clearly identifies the agent.
2. Is signed or marked by the principal or signed in the principal's name by some other individual in the principal's conscious presence and at the principal's direction.
3. Is witnessed by a person other than the agent, the agent's spouse, the agent's children or the notary public.
4. Is executed and attested by its acknowledgment by the principal and by an affidavit of the witness before notary public and evidenced by the notary public's certificate, under official seal, in substantially the following form:

I, _____, the principal, sign my name to this power of attorney this _____ day of _____ and, being first duly sworn, do declare to the undersigned authority that I sign and execute this instrument as my power of attorney and that I sign it willingly, or willingly direct another to sign for me, that I execute it as my free and voluntary act for the purposes expressed in the power of

attorney and that I am eighteen years of age or older, of influence.

Principal

I, _____, the witness, sign my name to the foregoing power of attorney, being first duly sworn and declare the undersigned authority that the principal attorney and that he/she signs it willingly, or willingly directs another to sign for him/her, and that I, in the presence and hearing of the principal, sign this power of attorney as witness to the principal's signing and that to the best of my knowledge the principal is eighteen years of age or older, of sound mind and under no constraint or undue influence.

Witness

The state of _____

County of _____

Subscribed, sworn to and acknowledged before me by _____, the principal, and subscribed and sworn to before me by _____, witness, this _____ day of _____.

(seal) (signed) _____

(notary public)

E. The execution requirements for the creation of a power of attorney provided in subsection D of this section do not apply if the principal creating the power of attorney is:

1. A person other than a natural person.
2. Any person, if the power of attorney to be created is a power coupled with an interest. For the purposes of this paragraph, "power coupled with an interest" means a power that forms a part of a contract and is security for money or for the performance of a valuable act.

ARIZONA REVISED STATUTES

Title 16. Elections and Electors

Chapter 5. Political Parties

Article 2. Party Organization and Government

§ 16-828. Proxies

A. A political party may choose, through its bylaws, to allow the use of proxies at its meetings, in which event the following shall be minimum regulations:

1. No proxy shall be given by a member of the state committee for use at a meeting of the committee except to a qualified elector of the county where the member resides.
2. No proxy shall be given by a member of the county committee for use at a meeting of the committee except to a qualified elector of the precinct where the member resides.

B. The duration of any proxy so given shall extend only for the length of the meeting for which it is given.

C. Every proxy shall be attested by a notary public or two witnesses.

ARIZONA REVISED STATUTES

Title 26. Military Affairs and Emergency Management

Chapter 1. Emergency and Military Affairs

Article 3. National Guard

§ 26-160. Oaths or affirmations

Oaths or affirmations required in the military service shall be administered by any commissioned officer, or other officer authorized to administer oaths, and no charge shall be made therefor.

ARIZONA REVISED STATUTES

Title 33. Property

Chapter 4 CONVEYANCES AND DEEDS

Article 5. Uniform Recognition of Acknowledgments Act

§ 33-501. Recognition of notarial acts performed outside this state

For the purposes of this article, "notarial acts" means acts which the laws and regulations of this state authorize notaries public of this state to perform, including the administering of oaths and affirmations, dependents: a merchant seaman of the United States, a member of the armed forces of the United States, or any other person serving with or accompanying the armed forces of the United States.

5. Any other person authorized to perform notarial acts in the place in which the act is performed.

§ 33-502. Authentication of authority of officer

A. If the notarial act is performed by any of the persons described in section 33-501, paragraphs 1 through 4, inclusive, other than a person authorized to perform notarial acts by the laws or regulations of a foreign country, the signature mark, or title and serial number, if any, of the person are sufficient proof of the authority of a holder of that rank or title to perform the act. Further proof of authority is not required.

B. If the notarial act is performed by a person authorized by the laws or regulations of a foreign country to perform the act, there is sufficient proof of the authority of that person to act if:

1. Either a foreign service officer of the United States resident in the country in which the act is performed or a diplomatic or consular officer of the foreign country resident in the United States certifies that a person holding that office is authorized to perform the act, or
2. The official seal of the person performing the notarial act is affixed to the document, or
3. The title and indication of authority to perform notarial acts of the person appears either in a digest of foreign law or in a list customarily used as a source of such information.

C. If the notarial act is performed by a person other than one described in subsections A and B, there is sufficient proof of the authority of that person to act if the secretary

taking proof of execution and acknowledgments of instruments, and attesting documents. Notarial acts may be performed outside this state for use in this state with the same effect as if performed by a notary public of this state by the following persons authorized pursuant to the laws and regulations of other governments in addition to any other person authorized by the laws and regulations of this state:

1. A notary public authorized to perform notarial acts in the place in which the act is performed.
2. A judge, clerk, or deputy clerk of any court of record in the place in which the notarial act is performed.
3. An officer of the foreign service of the United States, a consular agent, or any other person authorized by regulation of the United States department of state to perform notarial acts in the place in which the act is performed.
4. A commissioned officer in active service with the armed forces of the United States and any other person authorized by regulation of the armed forces to perform notarial acts if the notarial act is performed for one of the

of state certifies to the official character of that person and to his authority to perform the notarial act.

D. The signature and title of the person performing the act are prima facie evidence that he is a person with the designated title and that the signature is genuine.

§ 33-503. Certificate of person taking acknowledgment

The person taking an acknowledgment shall certify that:

1. The person acknowledging appeared before him and acknowledged he executed the instrument, and
2. The person acknowledging was known to the person taking the acknowledgment or that the person taking the acknowledgment had satisfactory evidence that the person acknowledging was the person described in and who executed the instrument.

§ 33-504. Recognition of certificate of acknowledgment

The form of a certificate of acknowledgment used by a person whose authority is recognized under section 33-501 shall be accepted in this state if:

1. The certificate is in a form prescribed by the laws or regulations of this state, or
2. The certificate is in a form prescribed by the laws or regulations applicable in the place in which the acknowledgment is taken, or
3. The certificate contains the words "acknowledged before me", or their substantial equivalent.

§ 33-505. Certificate of acknowledgment

The words "acknowledged before me" mean that:

1. The person acknowledging appeared before the person taking the acknowledgment.
2. He acknowledged he had executed the instrument.
3. In the case of:

(a) A natural person, he executed the instrument for the purposes therein stated.

(b) A corporation, the officer or agent acknowledged he held the position or title set forth in the instrument and certificate, he signed the instrument on behalf of the corporation by proper authority, and the instrument was the act of the corporation for the purpose therein stated.

(c) A partnership, the partner or agent acknowledged he signed the instrument on behalf of the partnership by proper authority and he executed the instrument as the act of the partnership for the purposes therein stated.

(d) A person acknowledging as principal by an attorney in fact, he executed the instrument by proper authority as the act of the principal for the purposes therein stated.

(e) A person acknowledging as a public officer, trustee, personal representative, administrator, guardian, or other representative, he signed the instrument by proper authority and he executed the instrument in the capacity and for the purposes therein stated.

2. For a corporation:

State of _____

County of _____

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title or officer or agent) of (name of corporation acknowledging) a (state or place of incorporation) corporation, on behalf of the corporation.

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

3. For a partnership:

State of _____

County of _____

The foregoing instrument was acknowledged before me this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership.

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

4. For an individual acting as principal by an attorney in fact:

State of _____

County of _____

The foregoing instrument was acknowledged before me this (date) by (name of attorney in fact) as attorney in fact on behalf of (name of principal).

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

4. The person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging was the person named in the instrument or certificate.

§ 33-506. Short forms of acknowledgment

The forms of acknowledgment set forth in this section may be used and are sufficient for their respective purposes under any law of this state. The forms shall be known as "statutory short forms of acknowledgment" and may be referred to by that name. The authorization of the following forms does not preclude the use of other forms:

1. For an individual acting in his own right:

State of _____

County of _____

The foregoing instrument was acknowledged before me this (date) by (name of person acknowledged.)

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

5. By any public officer, trustee, or personal representative:

State of _____

County of _____

The foregoing instrument was acknowledged before me this (date) by (name and title of position).

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

§ 33-507. Acknowledgments not affected by this article

A notarial act performed prior to the effective date of this article is not affected by this article. This article provides an additional method of proving notarial acts. Nothing in this article diminishes or invalidates the recognition accorded to notarial acts by other laws or regulations of this state.

§ 33-508. Uniformity of interpretation

This article shall be so interpreted as to make uniform the laws of those states which enact it.

ARIZONA REVISED STATUTES

Title 33. Property

Chapter 4. Conveyances and Deeds

Article 6. Acknowledgments

§ 33-511. Acknowledgment within the state

The acknowledgment of any instrument may be made in this state before:

1. A judge of a court of record.

2. A clerk or deputy clerk of a court having a seal.

3. A recorder of deeds.

4. A notary public.

5. A justice of the peace.

6. A county recorder.

§ 33-512. Acknowledgment by a married woman

An acknowledgment of a married woman may be made in the same form as though she were unmarried.

§ 33-513. Action to correct certificate of acknowledgment

When an acknowledgment is properly made, but defectively certified, any party interested may bring an action in the superior court to obtain a judgment correcting the certificate.

ARIZONA REVISED STATUTES

Title 36. Public Health and Safety

Chapter 20. Abortion

Article 1. General provisions

§ 36-2152(A) Parental consent; exception; hearings; time limits; violation; classification; civil relief; statute of limitations

A. In addition to the requirements of section 36-2153, a person shall not knowingly perform an abortion on a pregnant unemancipated minor unless the attending physician has secured the written and notarized consent from one of the minor's parents or the minor's guardian or conservator or unless a judge of the superior court authorizes the physician to perform the abortion pursuant to subsection B of this section. Notwithstanding section 41-319, the notarized statement of parental consent and the description of the document or notarial act recorded in the notary journal are confidential and are not public records.

ARIZONA REVISED STATUTES

Title 38. Public Officers and Employees

Chapter 2. Qualification and Tenure

Article 4. Oath of Office

§ 38-231. Officers and employees required to take loyalty oath; form; classification; definition

A. In order to ensure the statewide application of this section on a uniform basis, each board, commission, agency and independent office of this state, and of any of its political subdivisions, and of any county, city, town, municipal corporation, school district and public educational institution, shall completely reproduce this section so that the form of written oath or affirmation required in this section contains all of the provisions of this section for use by all officers and employees of all boards, commissions, agencies and independent offices.

B. Any officer or employee who fails to take and subscribe to the oath or affirmation provided by this section within the time limits prescribed by this section is not entitled to any compensation until the officer or employee does so take and subscribe to the form of oath or affirmation prescribed by this section.

C. Any officer or employee having taken the form of oath or affirmation prescribed by this section, and knowingly at the time of subscribing to the oath or affirmation, or at any time thereafter during the officer's or employee's term of office or employment, does commit or aid in the commission of any act to overthrow by force, violence or terrorism as defined in section 13-2301 the government

of this state or of any of its political subdivisions, or advocates the overthrow by force, violence or terrorism as defined in section 13-2301 of the government of this state or of any of its political subdivisions, is guilty of a class 4 felony and, on conviction under this section, the officer or employee is deemed discharged from the office or employment and is not entitled to any additional compensation or any other emoluments or benefits which may have been incident or appurtenant to the office or employment.

D. Any of the persons referred to in article XVIII, section 10, Constitution of Arizona, as amended, relating to the employment of aliens, are exempted from any compliance with this section.

E. In addition to any other form of oath or affirmation specifically provided by law for an officer or employee, before any officer or employee enters upon the duties of the office or employment, the officer or employee shall take and subscribe the following oath or affirmation: State of Arizona, County of _____ I,

(type or print name)

do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona, that I will bear true faith and allegiance to the same and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of _____ (name of office)

_____ according to the best of my ability, so help me God (or so I do affirm).

(signature of officer or employee)

F. For the purposes of this section, "officer or employee" means any person elected, appointed or employed, either on a part-time or full-time basis, by this state or any of its political subdivisions or any county, city, town, municipal corporation, school district, public educational institution or any board, commission or agency of any county, city, town, municipal corporation, school district or public educational institution.

ARIZONA REVISED STATUTES

Title 38. Public Officers and Employees

Chapter 2. Qualification and Tenure

Article 4. Oath of Office

§ 38-233. Filing oaths of record

A. The official oaths of state elective officers shall be filed of record in the office of the secretary of state. The official oaths of all other state officers and employees shall be filed of record in the office of the employing state board, commission or agency.

B. The official oaths of elective county and elective precinct officers shall be filed of record in the office of the county recorder, except the oath of the recorder, which shall be filed with the clerk of the board of supervisors. The official oaths of notaries public shall be endorsed upon their bond and filed with the secretary of

state. The official oaths of all other county and precinct officers and employees shall be filed of record in the office of the employing county or precinct board, commission or agency.

C. The official oaths of all city, town or municipal corporation officers or employees shall be filed of record in the respective office of the employing board, commission or agency of the cities, towns and municipal corporations.

D. The official oaths of all officers and employees of all school districts shall be filed of record in the school district office.

E. The official oaths of all officers and employees of each public educational institution except school districts shall be filed of record in the respective offices of the public educational institutions.

F. The official oath or affirmation required to be filed of record shall be maintained as an official record throughout the person's term, appointment or employment plus a period of time to be determined pursuant to sections 41-1347 and 41-1351.

ARIZONA REVISED STATUTES

Title 38. Public Officers and Employees

Chapter 2. Qualification and Tenure

Article 6. Vacancy in Office

§ 38-291. Vacancy defined

An office shall be deemed vacant from and after the occurrence of any of the following events before the expiration of a term of office:

1. Death of the person holding the office.
2. Insanity of the person holding the office, when judicially determined.
3. Resignation of the person holding the office and the lawful acceptance of the resignation.
4. Removal from office of the person holding the office.
5. If the office is elective, the person holding the office ceasing to be a resident of the state, or, if the office is local, or from a legislative or congressional district, the person holding the office ceasing to be a resident of the district, county, city, town or precinct for which he was elected, or within which the duties of his office are required to be discharged.
6. Absence from the state by the person holding the office, without permission of the legislature, beyond the period of three consecutive months.
7. The person holding the office ceasing to discharge the duties of office for the period of three consecutive months.
8. Conviction of the person holding the office of a felony or an offense involving a violation of his official duties.
9. Failure of the person elected or appointed to such office to file his official oath within the time prescribed by law.

10. A decision of a competent tribunal declaring void the election or appointment of the person elected or appointed to the office.

11. Failure of a person to be elected or appointed to the office.

12. A violation of section 38-296 by the person holding the office.

§ 38-294. Resignations

Resignations shall be in writing, and made as follows:

1. By members of the legislature, to the presiding officer of the body of which he is a member, who shall immediately transmit the resignation to the governor.
2. By state officers, notaries public and officers of the militia, to the governor.
3. By other officers commissioned by the governor, to the governor.
4. By county officers, to the chairman of the board of supervisors of their county.
5. By the chairman of the board of supervisors, to the county recorder of the county.
6. In cases not otherwise provided for, by filing the resignation in the office of the secretary of state.
7. By appointive officers, to the body or officer which appointed them, unless otherwise provided.

ARIZONA REVISED STATUTES

Title 38. Public Officers and Employees

Chapter 3. Conduct of Office

Article 2. Fees

§ 38-412. Posting schedule of fees

Recorders, clerks of the superior courts, sheriffs, justices of the peace, constables and notaries public shall keep posted at all times in a conspicuous place in their respective offices a complete list of the fees they are allowed to charge.

§ 38-413. Charging excessive fees; classification

- A. If an officer demands and receives a higher fee than prescribed by law, or any fee not so allowed, such officer shall be liable to the party aggrieved in an amount four times the fee unlawfully demanded and received by him.
- B. An officer who violates this section is guilty of a class 5 felony.

ARIZONA REVISED STATUTES

Title 38. Public Officers and Employees

Chapter 3. Conduct of Office

Article 3. Records

§ 38-423. Making or giving false certificate; classification

A public officer authorized by law to make or give any certificate or other writing, who makes and delivers as true such a certificate or writing containing a statement which he knows is false, is guilty of a class 6 felony.

ARIZONA REVISED STATUTES

Title 39. Public Records, Printing and Notices

Chapter 1. Public Records

Article 2. Searches and Copies

§ 39-122. Free searches for and copies of public records to be used in claims against United States; liability for noncompliance

A. No state, county or city, or any officer or board thereof shall demand or receive a fee or compensation for issuing certified copies of public records or for making search for them, when they are to be used in connection with a claim for a pension, allotment, allowance, compensation, insurance or other benefits which is to be presented to the United States or a bureau or department thereof.

B. Notaries public shall not charge for an acknowledgment to a document which is to be so filed or presented.

C. The services specified in subsections A and B shall be rendered on request of an official of the United States, a claimant, his guardian or attorney. For each failure or refusal so to do, the officer so failing shall be liable on his official bond.

ARIZONA REVISED STATUTES

Title 39. Public Records, Printing and Notices

Chapter 1. Public Records

Article 4. False Instruments and Records

§ 39-161. Presentment of false instrument for filing; classification

A person who acknowledges, certifies, notarizes, procures or offers to be filed, registered or recorded in a public office in this state an instrument he knows to be false or forged, which, if genuine, could be filed, registered or recorded under any law of this state or the United States, or in compliance with established procedure is guilty of a class 6 felony. As used in this section "instrument" includes a written instrument as defined in section 13-2001. ARIZONA REVISED STATUTES

Title 41. State Government

Chapter 1. Executive Officers

Article 2. The Secretary of State and the Department of State

§ 41-126. Fees; expedited services

A. The secretary of state shall receive the following fees:

1. Making a copy of any document on file in his office, no more than ten cents for each page or partial page.

2. Filing and recording each application to become a notary public and transmitting a commission for a notary public, no more than twenty-five dollars.

10. Filing, recording or certifying any other document not specified in this section, no more than three dollars.

ARIZONA REVISED STATUTES

Title 42. Taxation

Chapter 11. Property Tax

Article 4. Qualifying for Exemptions

42-11152. Affidavit; false statements

A. Except as provided in sections 42-11104, 42-11109, 42-11110, 42-11111 and 42-11131 and except for property described in sections 42-11125, 42-11127 and

42-11132, a person who claims exemption from taxation under article IX, section 2, 2.1 or 2.2, Constitution of Arizona, shall:

1. When initially claiming the exemption, appear before the county assessor to make an affidavit as to the person's eligibility. If a personal appearance before the county assessor would create a severe hardship, the county assessor may arrange a mutually satisfactory meeting place to make an affidavit as to the person's eligibility.

2. When claiming the exemption in subsequent years, appear before the county assessor or a notary public to make an affidavit as to the person's eligibility.

3. Fully answer all questions on the eligibility form or otherwise required by the assessor for that purpose.

B. At the assessor's discretion, the assessor may require additional proof of the facts stated by the person before allowing an exemption.

C. A person who is in the United States military service and who is absent from this state or who is confined in a veterans' hospital or another licensed hospital may make the required affidavit in the presence of any officer who is authorized to administer oaths on a form obtained from the county assessor.

D. A false statement that is made or sworn to in the affidavit is perjury.

RULES

Rules of Civil Procedure

Rule 44. Proof of records

44(a) Records of public officials. The records required to be made and kept by a public officer of the state, county, municipality, or any body politic, and copies thereof certified under the hand and seal of the public officer having custody of such records, shall be received in evidence as prima facie evidence of the facts therein stated.

44(c). Proof of records of notaries public. Declarations and protests made and acknowledgments taken by notaries public, and certified copies of their records and official papers, shall be received in evidence as prima facie evidence of the facts therein stated.

RULES

Arizona Administrative Code

Title 2. Administration

Chapter 12. Secretary of State

Article 11. Notary Public Bonds and Fees

R2-12-1101. Definitions

The following definitions shall apply in this Article unless the context otherwise requires:

"Acknowledgment" means the same as defined in A.R.S. § 41-311(1).

"Bond" means a surety bond to the state, with sureties approved by the clerk of the superior court in the county in which the individual is being commissioned as a notary public.

"Copy certification" means the same as defined in A.R.S. § 41-311(3).

"Credible person" means a person used to identify a signer when the signer does not have other satisfactory evidence of identity as specified in A.R.S. § 41-311(11).

"Jurat" means the same as defined in A.R.S. § 41-311(6).

"Oath" or "affirmation" means the same as defined in A.R.S. § 41-311(10).

"Satisfactory evidence of identity" means the same as defined in A.R.S. § 41-311(11).

R2-12-1102. Notary Public Fees

Notaries public may charge the following fees:

1. For acknowledgments, \$2 per signature;
2. For jurats, \$2 per signature;
3. For copy certifications, \$2 per page certified;
4. For oaths or affirmations without a signature, \$2.

R2-12-1103. Notary Public Bonds

A. Notaries public shall purchase a bond in the amount of \$5,000 before being commissioned as a notary public. The original bond shall be filed with the clerk of the superior court in the applicant's county of residence. A copy of the bond shall be filed with the applicant's application form submitted to the Secretary of State's Office.

B. The bond shall contain, on its face, the oath of office for the notary public as specified in A.R.S. § 38-233(B). This oath shall be as specified in A.R.S. § 38-231. The notary shall endorse the oath on the face of the bond, immediately below the oath, by signing the notary's name under which the person has applied to be commissioned as a notary and exactly as the name appears on the notary application form filed with the Secretary of State's Office.

OPINIONS

Attorney General Opinions

Opinion I97-015 (R97-040)

December 30, 1997

The Attorney General has held that the Secretary of State has the authority to revoke a notary public's commission, or to seek to remove a notary public from office, for cause as specified in State law, after notice and an opportunity for a hearing. The Legislature may, by statute, expressly grant the Secretary of State additional authority to regulate and remove notaries public from office.

Opinion I97-011 (R97-033)

August 15, 1997

The Attorney General has held that notarial acts performed in Arizona under the authority of federal law for members of the armed forces and related eligible recipients of federal legal assistance are valid in Arizona.

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Page 1	Date	Description of Document	Type of Notarial Act	Printed Name and Address of Signer	Signature of Signer	Identification of Signer	Description of Identification Document	Credible Person Printed Name Address & Signature	Additional Information	Right Thumb Print of Signer	Page 1
1		_____ _____ _____ Date _____	<input type="checkbox"/> acknowledgment <input type="checkbox"/> jurat <input type="checkbox"/> copy certification <input type="checkbox"/> oath or affirmation	_____ _____ _____ _____ _____ Date _____	_____ _____ _____ _____ _____ Date _____	<input type="checkbox"/> personal knowledge <input type="checkbox"/> ID card <input type="checkbox"/> credible person <input type="checkbox"/> known to notary <input type="checkbox"/> not known to notary	type _____ issued by _____ serial or ID no. _____ date issued _____	_____ _____ _____ _____ _____ Date _____	<input type="checkbox"/> fee charged amount \$ _____	_____ _____ _____ _____ _____ Date _____	1
2		_____ _____ _____ Date _____	<input type="checkbox"/> acknowledgment <input type="checkbox"/> jurat <input type="checkbox"/> copy certification <input type="checkbox"/> oath or affirmation	_____ _____ _____ _____ _____ Date _____	_____ _____ _____ _____ _____ Date _____	<input type="checkbox"/> personal knowledge <input type="checkbox"/> ID card <input type="checkbox"/> credible person <input type="checkbox"/> known to notary <input type="checkbox"/> not known to notary	type _____ issued by _____ serial or ID no. _____ date issued _____	_____ _____ _____ _____ _____ Date _____	<input type="checkbox"/> fee charged amount \$ _____	_____ _____ _____ _____ _____ Date _____	2
3		_____ _____ _____ Date _____	<input type="checkbox"/> acknowledgment <input type="checkbox"/> jurat <input type="checkbox"/> copy certification <input type="checkbox"/> oath or affirmation	_____ _____ _____ _____ _____ Date _____	_____ _____ _____ _____ _____ Date _____	<input type="checkbox"/> personal knowledge <input type="checkbox"/> ID card <input type="checkbox"/> credible person <input type="checkbox"/> known to notary <input type="checkbox"/> not known to notary	type _____ issued by _____ serial or ID no. _____ date issued _____	_____ _____ _____ _____ _____ Date _____	<input type="checkbox"/> fee charged amount \$ _____	_____ _____ _____ _____ _____ Date _____	3
4		_____ _____ _____ Date _____	<input type="checkbox"/> acknowledgment <input type="checkbox"/> jurat <input type="checkbox"/> copy certification <input type="checkbox"/> oath or affirmation	_____ _____ _____ _____ _____ Date _____	_____ _____ _____ _____ _____ Date _____	<input type="checkbox"/> personal knowledge <input type="checkbox"/> ID card <input type="checkbox"/> credible person <input type="checkbox"/> known to notary <input type="checkbox"/> not known to notary	type _____ issued by _____ serial or ID no. _____ date issued _____	_____ _____ _____ _____ _____ Date _____	<input type="checkbox"/> fee charged amount \$ _____	_____ _____ _____ _____ _____ Date _____	4
5		_____ _____ _____ Date _____	<input type="checkbox"/> acknowledgment <input type="checkbox"/> jurat <input type="checkbox"/> copy certification <input type="checkbox"/> oath or affirmation	_____ _____ _____ _____ _____ Date _____	_____ _____ _____ _____ _____ Date _____	<input type="checkbox"/> personal knowledge <input type="checkbox"/> ID card <input type="checkbox"/> credible person <input type="checkbox"/> known to notary <input type="checkbox"/> not known to notary	type _____ issued by _____ serial or ID no. _____ date issued _____	_____ _____ _____ _____ _____ Date _____	<input type="checkbox"/> fee charged amount \$ _____	_____ _____ _____ _____ _____ Date _____	5
6		_____ _____ _____ Date _____	<input type="checkbox"/> acknowledgment <input type="checkbox"/> jurat <input type="checkbox"/> copy certification <input type="checkbox"/> oath or affirmation	_____ _____ _____ _____ _____ Date _____	_____ _____ _____ _____ _____ Date _____	<input type="checkbox"/> personal knowledge <input type="checkbox"/> ID card <input type="checkbox"/> credible person <input type="checkbox"/> known to notary <input type="checkbox"/> not known to notary	type _____ issued by _____ serial or ID no. _____ date issued _____	_____ _____ _____ _____ _____ Date _____	<input type="checkbox"/> fee charged amount \$ _____	_____ _____ _____ _____ _____ Date _____	6
7		_____ _____ _____ Date _____	<input type="checkbox"/> acknowledgment <input type="checkbox"/> jurat <input type="checkbox"/> copy certification <input type="checkbox"/> oath or affirmation	_____ _____ _____ _____ _____ Date _____	_____ _____ _____ _____ _____ Date _____	<input type="checkbox"/> personal knowledge <input type="checkbox"/> ID card <input type="checkbox"/> credible person <input type="checkbox"/> known to notary <input type="checkbox"/> not known to notary	type _____ issued by _____ serial or ID no. _____ date issued _____	_____ _____ _____ _____ _____ Date _____	<input type="checkbox"/> fee charged amount \$ _____	_____ _____ _____ _____ _____ Date _____	7



Enter the date of the notarization.

Enter a description of the document being notarized. If the document is dated, include the date on the last line.

Check the box for the type of notarization. See pages 14 & 20

Instruct the signer to print his or her full name and address. here.

Instruct the signer sign his or her name

Check the box for the type of notarization of the signer. See pages 15 & 16

Fill in the information taken from the identification document of either the signer or the credible person

If a credible person is used to identify a signer, after the credible person has presented satisfactory evidence of identity, instruct the credible person to sign the journal on the top line and print his or her name and address.

Specify the fee charged, if any. See fee schedule on page 19.

Obtaining a thumb print is not required under state law. If a thumb print is required for any other reason, instruct the signer place his or her right thumb print in the space provided.

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FORMS

These forms are available online at
www.azsos.gov



State of Arizona Notary Public Application Instructions

Arizona Secretary of State Ken Bennett

Business Services, Notary Section

1700 W. Washington Street, 7th Fl., Phoenix, AZ 85007-2888

(602) 542-6187 (800) 458-5842 (within Arizona)

Website: www.azsos.gov

NOTARIES ARE REQUIRED TO
HAVE AN
**ARIZONA NOTARY PUBLIC
REFERENCE MANUAL.**
TO OBTAIN ONE, CALL
(602) 542-4758.

REV. 08/05/11

Please Note: The notary commission application process takes approximately three weeks.

Questions? Call the Secretary of State's Office, Notary Section at (602) 542-4758.

TO QUALIFY FOR AN ARIZONA NOTARY PUBLIC COMMISSION, YOU:

- | | |
|---|---|
| <ul style="list-style-type: none">▪ Must be at least 18 years of age▪ Must be a citizen or a legal permanent resident of the U.S.▪ Must NOT have a conviction for a felony UNLESS your civil rights have been restored, or a conviction of a lesser offense involving moral turpitude or of a nature that is incompatible with the duties of a notary public. | <ul style="list-style-type: none">▪ Must be an Arizona Resident for income tax purposes▪ If you have had a professional license revoked or suspended for misconduct or dishonesty or any cause that substantially relates to the duties or responsibilities of a notary public, or if you have had your notary commission revoked or suspended, the Secretary of State may refuse to grant you a commission. |
|---|---|

Do Not Apply if You Fail to Meet Any of the Requirements Listed Above.

Before proceeding, you must obtain and read the *Arizona Notary Public Reference Manual*, available on our website www.azsos.gov.

PROCEDURE TO APPLY FOR AN ARIZONA NOTARY PUBLIC COMMISSION

STEP 1. Complete the Notary Public Application

Applications are available in the *Arizona Notary Public Reference Manual* or online at www.azsos.gov. The online application can be filled out electronically on a computer and printed out. While preparing the application:

- ☐ Print your name EXACTLY as you want your notary commission to be issued.
- ☐ **Include your middle initial or name ONLY if you intend to use it when signing as a notary public.**
- ☐ List the PHYSICAL location of your residence; you are commissioned from your home address.
- ☐ **Fill in all the blanks** on the form. If a field is not applicable, designate your response as n/a.
- ☐ Sign the application EXACTLY as your name is printed.
- ☐ The signature on the application you submit must be an ORIGINAL signature.

COMMON MISTAKES: Failure to correctly and COMPLETELY fill out the application may delay the processing of your commission.

STEP 2. Purchase a 4-year \$5,000 Notary bond in duplicate form from an insurance agent*

Consult your local phone book for a list of insurance agents who supply bonds. You may also wish to contact your insurance agent to see if he or she offers notary bonds. While requesting and preparing a bond:

- ☐ The bond must show your name printed and signed in two places exactly as on the notary application.
- ☐ The bond must show its effective and expiration dates.
- ☐ The bond cannot be issued MORE THAN 60 days BEFORE or 30 days AFTER the commission is initiated.
- ☐ The expiration date of the bond **is always one day less than the effective date four years later.**
- ☐ Your signature must be properly notarized with an ink notary seal.
- ☐ The bond must be countersigned by the authorized bonding company agent in two places on the bond form.
- ☐ The bond is a "Jurat" and therefore **CANNOT** contain **ANY** blank lines, otherwise, your application will be rejected.

COMMON MISTAKES: The most common reasons for returned bonds are: the venue in the notarial certificate is left blank and the notary's expiration date is not filled in.

* Please note that the notary bond is purchased in duplicate form so that the notary will have an original for their records and the Secretary of State will also have an original.

STEP 3. Filing Procedure

1. Submit the following documents to the Secretary of State's Office:

- ☐ Include the ORIGINAL application with an ORIGINAL signature.
- ☐ Include an ORIGINAL notarized bond with ORIGINAL signatures.
- ☐ Prepare a check or money order in the amount of \$43.00 made payable to the Secretary of State.
\$25.00 Application fee + \$18.00 notary bond filing fee = \$43.00 Total filing fee**

** If you wish to have your application expedited there is a \$25.00 expedite fee. Expedite processing times vary with a 24-48 hour turnaround standard depending on volume of requests. Applications need to be clearly marked "EXPEDITE" on the envelope with an additional \$25 included with the standard processing fee.

2. Mail the documents to address listed above; walk-in service is available at locations listed at the top of the application.

STEP 4. Obtain an Official Notary Seal

WAIT to receive a commission certificate from the Secretary of State designating you as a notary. Once received:

- ☐ Order a rubber notary seal (stamp) from a stationery store, office supply, or insurance company. These vendors can be found in the phone book. The rubber stamp is your official seal, but you may use an embosser **in addition** to the rubber stamp.
- ☐ The rubber stamp **must** contain five things:
 1. The words "NOTARY PUBLIC";
 2. The name of the county in which you are commissioned;
 3. Your name EXACTLY as it appears on the bond and the application form;
 4. Your commission expiration date; and
 5. The Great Seal of Arizona.



State of Arizona

Notary Public Commission Application

Mail to: Arizona Secretary of State Ken Bennett
Attention: Business Services, Notary Department
1700 W. Washington Street, 7th Fl., Phoenix, AZ 85007-2808
(602) 542-6187 (800) 458-5842 (within Arizona)
Website: www.azsos.gov

Please Note: The notary commission application process takes about three weeks. Applicants must purchase a Notary Bond BEFORE submitting this application. Notary Public Application Instructions are available online at www.azsos.gov.

COMMISSION # _____

Do NOT WRITE IN THIS SPACE

FOR OFFICE USE ONLY – REV. 07/20/11

THIS COMMISSION & RENEWAL APPLICATION IS A LEGAL DOCUMENT

About this application

Use this form to apply or renew a Notary Public Commission. The applicant's name on this form must EXACTLY match the name on the notary bond.

How to complete this form

Before proceeding, please read the Notary Public Application Instructions. Print clearly or computer generate this form online.

File by mail to the address above, or return in person:

PHOENIX - State Capitol
Executive Tower
1700 W. Washington Street
First Floor, Room 103
TUCSON - Arizona State
Complex Building
400 W. Congress
Second Floor, Room 252

Office Hours:

Monday through Friday, 8 a.m. to 5 p.m. except state holidays.

1. APPOINTMENT TYPE Check One ☐ New Appointment ☐ Renewal/Reappointment

If your surname has changed and you are reapplying identify in the space provided the exact name you used on your last application. Refer to the information on your commission certificate. If you only want to change the surname on your commission, use the "Notary Public Address/Name Change Form"

Previous First Name	Previous Last Name	Previous Middle Name (IF USED)
---------------------	--------------------	--------------------------------

2. APPLICANT INFORMATION

Last Name		First Name		Middle (IF USED)	
Mailing Address - This is where your certificate will be mailed		City		State	Zip Code
Home (Physical) Address		City		State	Zip Code
Applicant Social Security #	DL / ID #, State of Issue, Issue/Exp Date	Home Telephone # (Include area code)		Gender M / F	Date of Birth / /
County of Residence <input type="checkbox"/> Apache <input type="checkbox"/> Cochise <input type="checkbox"/> Coconino <input type="checkbox"/> Gila <input type="checkbox"/> Graham <input type="checkbox"/> Greenlee <input type="checkbox"/> La Paz <input type="checkbox"/> Maricopa Check one <input type="checkbox"/> Mohave <input type="checkbox"/> Navajo <input type="checkbox"/> Pima <input type="checkbox"/> Pinal <input type="checkbox"/> Santa Cruz <input type="checkbox"/> Yavapai <input type="checkbox"/> Yuma					

3. BUSINESS/EMPLOYER INFORMATION

Business/Employer Name			
Address (REQUIRED FIELD, Business/Employer address is public record)		City	State Zip Code
Telephone Number (Include area code)	Fax Number (Include area code)	E-mail Address	

4. DISCLOSURE

	YES	NO
a. Have you ever been convicted of a felony OR a lesser offense involving moral turpitude of a nature that is incompatible with the duties of a notary public?	<input type="checkbox"/>	<input type="checkbox"/>
If "YES" have you had your civil rights restored? If your rights have been restored you MUST provide and attach: court documentation that demonstrates the restoration of your civil rights; and a court or law enforcement issued document that refers to the nature of the original charges.	<input type="checkbox"/>	<input type="checkbox"/> n/a
b. Have you ever had a professional license revoked, suspended, restricted, or denied for misconduct, dishonesty, or any cause that substantially relates to the duties or responsibilities of a notary public? If yes, attach an explanation statement.	<input type="checkbox"/>	<input type="checkbox"/>
c. Have you ever had a notary commission revoked, suspended, restricted, or denied in this state or any other jurisdiction? If yes, attach an explanation statement.	<input type="checkbox"/>	<input type="checkbox"/>
d. Are you 18 years of age or older?	<input type="checkbox"/>	<input type="checkbox"/>
e. Are you a citizen or a legal permanent resident of the United States?	<input type="checkbox"/>	<input type="checkbox"/>
f. Do you claim Arizona as your primary residence for state and federal tax purposes?	<input type="checkbox"/>	<input type="checkbox"/>
g. Can you read and write English?	<input type="checkbox"/>	<input type="checkbox"/>
h. Have you been commissioned as a notary public in any other state or jurisdiction? If "YES" please specify the jurisdiction(s)	<input type="checkbox"/>	<input type="checkbox"/>
i. Will you be performing notarizations in languages other than English? Note: You must be able to understand a language in order to perform notarizations in that language. This information will be public record.	<input type="checkbox"/>	<input type="checkbox"/> n/a

5. APPLICANT ATTESTATION: OFFICE OF THE ARIZONA SECRETARY OF STATE

I, _____ Print your full name as provided in Section 2	solemnly affirm, under penalty of perjury, that the answers to all questions on this application are true, complete, and correct; that I have carefully read and understand the notary law (Title 41, Chapter 2, Article 2) of this State; and that, if appointed and commissioned as a notary public, I will perform faithfully, to the best of my ability, all notarial acts in accordance with Arizona notary law.
Signature of Applicant (Sign as printed)	Date

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State of Arizona

Notary Public Address/Name Change Form

Mail to: Arizona Secretary of State Ken Bennett

Attention: Business Services, Notary Department

1700 W. Washington Street, 7th Fl., Phoenix, AZ 85007-2888

(602) 542-6187 (800) 458-5842 (within Arizona)

Website: www.azsos.gov Fax: 602-542-4366

DO NOT WRITE IN THIS SPACE

Address change: File an address change within 30 days of the change (A.R.S. § 41-323). Failure to notify of a mailing or residential address change within 30 days may result in a \$25 civil penalty.

Name change: File a name change within 30 days of the change of surname (A.R.S. § 41-327). Failure to notify the secretary of state of this change of surname is evidence of the notary's failure to fully and faithfully discharge the duties of a notary. The commission may be revoked.

FOR OFFICE USE ONLY – REV. 08/05/11

NOTICE OF ADDRESS/NAME CHANGE

About this form

Use this form to notify the Secretary of State of an address or name change to your Arizona Notary Public Commission.

Submission Requirements:

This form must be submitted by means providing a receipt. Submit your completed form by fax, certified mail or in person to the Secretary of State's Phoenix or Tucson offices (see addresses).

Send completed form by **CERTIFIED MAIL** to the address above, or return in person to:

PHOENIX - State Capitol

Executive Tower

1700 W. Washington Street

First Floor, Room 103

Open Monday through Friday, 8 a.m. to 5 p.m. except state holidays.

TUCSON - Arizona State

Complex Building

400 W. Congress

Second Floor, Room 252

1. Notary Information

NOTARY COMMISSION NUMBER OR SOCIAL SECURITY NUMBER

LAST NAME (As shown on notary certificate)

FIRST NAME (As shown on notary certificate)

MIDDLE (If used)

2. Address Change ~ Check appropriate box and update address

a. ☐ NEW MAILING ADDRESS

DATE OF NEW MAILING ADDRESS

FORMER PHONE NUMBER

NEW PHONE NUMBER

FORMER MAILING ADDRESS

CITY

STATE

ZIP CODE

NEW MAILING ADDRESS

CITY

STATE

ZIP CODE

b. ☐ NEW HOME ADDRESS

DATE OF NEW HOME ADDRESS

FORMER PHONE NUMBER

NEW PHONE NUMBER

FORMER HOME (Physical) ADDRESS

CITY

STATE

ZIP CODE

NEW HOME (Physical) ADDRESS

CITY

STATE

ZIP CODE

c. ☐ NEW BUSINESS ADDRESS

DATE OF NEW BUSINESS ADDRESS

FORMER PHONE NUMBER

NEW PHONE NUMBER

FORMER BUSINESS NAME

NEW BUSINESS NAME

FORMER BUSINESS ADDRESS (This address is a public record)

CITY

STATE

ZIP CODE

NEW BUSINESS ADDRESS (This address is a public record)

CITY

STATE

ZIP CODE

3. Name Change ~ Check appropriate boxes, fill in surname, attach name change documentation.

NAME CHANGE & NOTARY COMMISSION:

If you ONLY want to use your new name as a notary public you must apply for a new commission. Refer to the application for Notary Public Commission and instruction form for applicable requirements and fees.

A.R.S. § 41-327: A notary public who has a change of surname may continue to use the official seal and commission in the notary public's prior name until that commission expires. The notary shall sign the changed surname on the line that is designated for the notary public's signature on the notarial certificate. Immediately below that signature, the notary public shall sign the name under which the notary was commissioned.

REASON FOR NAME CHANGE

☐ Marriage ☐ Divorce ☐ Other

NEW SURNAME

IF OTHER, SPECIFY

4. Notary Signature

SIGNATURE (Required)

DATE

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SAMPLE

SAMPLE ATTACH CERTIFICATE- ACKNOWLEDGMENT
The Secretary of State provides this sample attach certificate out of convenience to our customers. However, our office cannot offer legal advice and is only able to guarantee that it is acceptable under Arizona State Notary Law.

NOTARIAL ACKNOWLEDGEMENT

STATE OF _____)

COUNTY OF _____)

This instrument was acknowledged before me this ____ day of _____,
20____, by _____.

(Notary Seal)

NOTARY PUBLIC

Description of document this notarial certificate is being attached to:	
Type/Title	
Date of Doc	
Number of Pages	
Add'l Signers (other than those named in the notarial certificate.)	

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SAMPLE

SAMPLE ATTACH CERTIFICATE- JURAT

The Secretary of State provides this sample attach certificate out of convenience to our customers. However, our office cannot offer legal advice and is only able to guarantee that it is acceptable under Arizona State Notary Law.

NOTARIAL JURAT

STATE OF _____)

COUNTY OF _____)

Subscribed and sworn before me this ____ day of _____, 20____, by

_____.

(Notary Seal)

NOTARY PUBLIC

Description of document this notarial certificate is being attached to:	
Type/Title	
Date of Doc	
Number of Pages	
Addt'l Signers (other than those named in the notarial certificate.)	

Please note: This is a jurat format notarial certificate. This document as well as the document it is attached to cannot contain any blank lines. Please ensure all blanks are filled in prior to notarization.

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SAMPLE

SAMPLE ATTACH CERTIFICATE- COPY CERTIFICATION

The Secretary of State provides this sample attach certificate out of convenience to our customers. However, our office cannot offer legal advice and is only able to guarantee that it is acceptable under Arizona State Notary Law.

NOTARY COPY CERTIFICATION

STATE OF _____)

COUNTY OF _____)

I, _____, a notary public, do certify that on this ____ day of _____,

20____, I personally made a photocopy of _____,

from the original, and it is a true exact, complete unaltered copy.

(Notary Seal)

NOTARY PUBLIC

Description of document this notarial certificate is being attached to:	
Type/Title	
Date of Doc	
Number of Pages	
Add'l Signers (other than those named in the notarial certificate.)	

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SAMPLE

Sample Affidavit - Translations

The Secretary of State provides this sample affidavit out of convenience to our customers. However, our office cannot offer legal advice and is unable to guarantee that the affidavits are in a format that will be accepted by the intended recipient of your documents. The burden is on the person seeking a notarization to ensure that documents contain the necessary elements for the intended recipient.

**Reminder: the notary and the translator should not be the same individual.*

I _____ do solemnly swear or affirm that I know
(name of translator)

the English language and the _____ language, and that I can
(second language)

translate from either of them into the other, and that the attached is an accurate and
complete translation of _____, made by me from
(brief description of document)

_____ into _____
(language of original document) (language of translated document)

I understand that if I am found to have made a false or misleading statement concerning information on this document, I may be subject to the penalty of perjury.

Signature

Date

State of Arizona _____)
County of _____)

Subscribed and sworn/affirmed before me this _____ *day of* _____,
_____, *by* _____

[affix seal here]

NOTARY PUBLIC

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[illegible]



The Honorable Ken Bennett
Arizona Secretary of State
1700 W. Washington Street, Fl. 7
Phoenix, Arizona 85007-2808

TO:

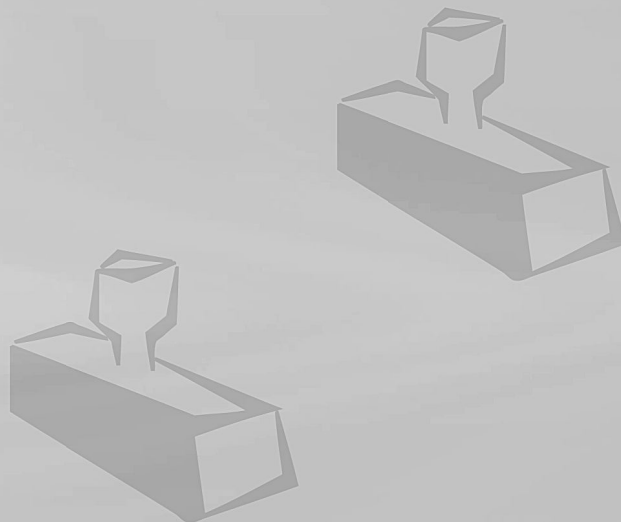


**SAVE THE DATE.
LET'S CELEBRATE!
FEBRUARY 14, 2012**

The Centennial goal is to have all 22 tribes, 15 counties and 120 cities and towns represented with at least one officially designated Arizona Centennial Event and/or Legacy Project that is unique and meaningful to its community.

For more information visit: www.arizona100.org

ARIZONA



Effective July 20, 2011

Arizona Notary Public Reference Manual
A BUSINESS SERVICES DIVISION PUBLICATION